

# BREVARD COUNTY CHARTER REVIEW COMMISSION

## AGENDA

July 21 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. Surplus Real Property
- 3. CRC Attorney
  - a. Memo-Reference Proposal 19

F. Proposals:

1. **Active Proposals**

a. **Proposal 8-** Amend Section 2.7 – Vacancies and Suspensions  
(Amended 05-19-2022} Public Hearing # 5  
(Tabled at meeting on 06-23-2022)

(Tabled at meeting on 07-07-2022)

**Public Comment**

b. **Proposal 17** -Amend Section 2.4 Term Limits –

Public Hearing #4

(Tabled at meeting on 07-07-2022)

**Public Comment**

**c. Proposal 24 - Addition of Section 1.9 to Article 1**

Establish Workforce Housing Trust Fund for Vulnerable Families

Public Hearing #4

(Tabled at meeting on 07-07-2022)

**Public Comment**

F. (Proposals Cont.)

2. **Proposals Removed from Consideration**

**a. Proposal 1- Charter Cap**

(Voted on 06/23/2022) 8-6 to remove proposal from consideration

**b. Proposal 2- Recall School Board Member**

(Voted on 05/12/2022) 6-5 to remove proposal from consideration

**c. Proposal 3- Full Time Commissioner**

(Voted on 04/21/2022) Unanimous vote 14-0 to remove proposal from consideration

**d. Proposal 4 - Revise Citizen Process 2.9.1.0**

(Voted on 04-21-2022) Vote 13-1 to remove proposal from consideration

**e. Proposal 6 – Right to Clean Water**

(Voted on 06/23/2022) Vote 10-4 to remove proposal from consideration

**f. Proposal 7 – Repeal Article 8 Section 8.1 School Board**

(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

F. (Proposals Cont.)

2. **Proposals Removed from Consideration**

**g. Proposal 9 – Amend 2.4 Term Limits**

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

**h. Proposal 11- Creation Powers and Ordinances**

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

**i. Proposal 12- Article 2-Legislative Branch**

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

**j. Proposal 13 - Article 3- Executive Branch**

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

**k. Proposal 14 - Section 5.2- Recall**

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

**l. Proposal 15 - Section 7.4 Charter Review**

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

**m. Proposal 16 – Non-Partisan Election**

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

**n. Proposal 18 – Amend Section 5.2 Recall**

(Motion 07-07-2022) Proponent to Remove from Consideration

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

(Motion 06-23-2022) Proponent to Remove from  
Consideration

**p. Proposal 22 - Revise Citizen Advisory Process**

(Voted on 07-07-2022) Vote 10-2 to remove from  
consideration

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

(Motion 06-23-2022) Proponent to Remove from  
Consideration

G. Public Comment

H. Unfinished Business

I. New Business

1. **Review and Vote to Approve Ballot Language for the Following:**

a. **PROPOSED CRC RESOLUTION NO. 2022-001- Proposal 1**

**Charter Review Proposal # 5 -7.4.1 Repeal of Three Attorney Panel**

**Proposal Passed (14-0) on 06-23-2022**

**Amendment to Proposed Ballot Summary Language**

**by Mr. Blaise Trettis:07-07-2022**

**Proposed Ballot Summary Language 07-21-2022**

b. **PROPOSED CRC RESOLUTION NO. 2022-002-Proposal 2**

**Charter Review Proposal # 10 - Amend 7.3.3 Supermajority**

**Proposal Passed (13-0) on 07-07-2022**

**Proposed Ballot Summary Language 07-21-2022**

**c. PROPOSED CRC RESOLUTION NO. 2022-003-Proposal 3**

**Charter Review Proposal #19 - Amend Section 5.2 Recall-Scrivener's Error and to add school board members to the list of county officers subject to recall**

**Proposal Passed (13-0) on 07-07-2022 *Approve w/amended language***

**Proposed Ballot Summary Language 07-21-2022**

**d. PROPOSED CRC RESOLUTION NO. 2022-004-Proposal 4**

**Charter Review Proposal # 20**

**Amend Article 7.4.1-Add subsection 3 – 3-Panel Attorney Process**

**Proposal Passed (12-1) on 07-07-2022 *Approve w/amended language***

**Proposed Ballot Summary Language 07-21-2022**

**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, July 07, 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: All right, I would like to call to order the Brevard County Charter Review Commission. The pledge of allegiance today will be led by Ms. Rogerson.

## B. Pledge of Allegiance

I pledge of allegiance to the flag, of the United States of America, and to the Republic for which it stands, one Nation, under God with Liberty and Justice for All.

Mike Haridopolos: All right, if we could please call the roll.

## C. Roll Call:

Melissa Brandt:

Robin Fisher (District I) - Absent  
Kendall Moore (District I)- Present  
Marcia Newell (District I)- Absent  
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)- 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

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

Melissa Brandt:-We have a quorum.

Mike Haridopolos: We have a quorum, thank you so much. If you have a cell phone, if you could please put that on silent that would be much appreciated. We will try to get through the business today as quickly as possible.

#### **D. Approval of Minutes from July 07, 2022 Meeting**

Mike Haridopolos: You have the minutes, which I believe were sent to everyone. Are there any questions on the minutes or any revisions that need made? Motion made by Mr. White and I second that. Show minutes adopted. Ms. Schmitt?

Sue Schmitt: Just before we start, I had two people contact me they aren't related, and they are watching it on the website or whatever and they had a question. Now, I knew the answer, but it also taught me that we might need to clarify or maybe you can clarify for the public that is watching that doesn't get involved with all this. They wanted to know when someone makes a proposal, and then they come back with an amendment, does the amendment get added to the proposal, or does it take the place of the proposal? I told them what I know, based on having been on boards, but I thought maybe just for clarification, I think it would be a good idea for the public.

Mike Haridopolos: Good question. The way that I have been handling the proposals, and please correct me if there is a better way. Please I am all ears. Just because a proposal starts a certain way, doesn't mean it ends a certain way. I know we have had some discussion about the recall for example, when it was initially introduced, and that could be amended in the process. Once it makes its way through three public meetings, we will take a vote on the final version of that. It could be a whole scale change, it might be one-word change, but we are trying to do, what I am trying to do is be consistent. Someone creates an idea, then the fifteen of us work together to either keep that proposal whole, or if we think we can improve it by adding or subtracting along the way with public input each step. We will vote on that final version of that proposal. That's the way I see it being done. If anyone wants to add to it. Is that how you perceive it?

Sue Schmitt: The amendment takes place of the original proposal, unless it is one word or something. Some of these proposals have two or three amendments, so at that point, that amendment really takes place of that original proposal.

Mike Haridopolos: That is correct, and so whatever is added or subtracted, it could be multiple

Sue Schmitt: Yes, and just in laymen's terms I think that to me that was the best way to describe it with the public.

Mike Haridopolos: I think that is an excellent description, and as I used to grade papers, you know you make the red marks and add or subtract and then they would turn in their final product. And we would vote on that, or give it a grade, yay or nay. But, good

question, I hope everyone is clear on that, is that just because a proposal started one way, doesn't mean it is going to be the end result, and sometimes it becomes a 180 so You never know what is going to happen, but I am glad it has been very open. I see there are a lot of emails coming in on things like recall on school board issues in general, let alone like on a proposal I think we are going to vote on today on term limits. I think when you see it's been a popular set. Any more suggestions before we go to our staff and our attorney?

Jordin Chandler: I don't know if everyone on this dais is aware, I submitted some substantial changes about two hours ago, and so I would kind of request some leniency by this board, and request we table proposal 24 to our next meeting which I think is July 21<sup>st</sup>.

Mike Haridopolos: Mr. Chandler, I will do this, I hope it will help your proposal out, why don't we discuss it today knowing full well we are not going to have a vote, but we can have an open discussion. Kind of like we did last time on the issue of vacancies. Hopefully we will have more clarity on that issue as well. So, we will take it up today, but we will respect your wish which is let's make sure we ponder on it, and how we can approve it if necessary, and wait for the vote until next time. Is that what you are asking?

Jordin Chandler- Absolutely

Mike Haridopolos: Okay, thank you so much. Other questions? All right, let's go to our staff.

## **E. Reports:**

1. Chairman
2. CRC Staff Person-

Jim Liesenfelt: Last meeting about the budget timeline for the County so that is included. You know the budget gets approved by the Board of County Commissioners in September, they have two public hearings, there are a number of dates on here, but the other I would just like to note for everybody is on July 19<sup>th</sup>, the Board sets the tentative millage. That sends out what is a trim notice to all of the public with the tax rates. So, you can lower the rate from that point, you can't raise it from there, so as you consider items that may affect the budget, you want to have the information in before July as opposed to before September. Then final is the Chairman requested it, there is your estimate from the Supervisor of Elections. Costs of two types of elections. That is, it sir.

Mike Haridopolos: Great info. Any questions? All right, we will move now to our attorney, Mr. Gougelman.



### 3. CRC Attorney

Paul Gougelman: Thank you Mr. Chairman. I have three items. One is you have a draft resolution for Section 7.4.1. I would point out that Mr. Trettis who was the sponsor has provided some substitute ballot language. That is item one. Item two, I had been asked at the last meeting by Ms. Rogerson about the effective date of proposals, and I had indicated that I thought it might possibly be when the adopted resolution was filed with the Secretary of State's office, but I was not sure but I would have to check that. The reason is, is because that is the requirement for ordinances. Your ballot questions and your proposals are being scheduled for adoption by resolution. So, the answer to the question is the effective date is when it is adopted unless you provide otherwise. So, if it is adopted in November, the canvassing board certifies the results that it has passed. It's effective at that particular point. I would suggest, even though that is clearly the situation, that it is probably a wise idea to include in your draft resolutions include an effective date-that it becomes effective upon by adoption of the voters. And obviously if there is a proposal that the Charter Review Commission feels that should have a later effective date, when – if there is a proposal that CRC feels needs a later effective date, that could be provided in the resolution as well. Then item 3.C Proposal 18. Mr. Luebker had asked if it is okay to include- recall resolution and the answer to that is in the first summaries that I wrote for you all. I think it is a very close question under Florida Law. There is no case law to guide us whether or not, the Recall Statute as it exists right now, was intended by the legislature to basically consume entire strata of recall. So, there is also an argument too that when you talk about school board maybe something that is not appropriate to include in the Charter, and that goes back to a 1971, rather dated Attorney General Opinion. Do I believe that you can include school board there, I think you probably can if you choose to, it is just a very close question. That is all. That completes my report and I would be happy to answer any questions.

Mike Haridopolos: Thank you Mr. Gougelman, that was very good, point by point. We will get into the ballot summary in a minute. Questions on number 10 or number 18 as described by Mr. Gougelman? Before we get into this resolution and ballot summary question, again I will open it up to all of us, how do you want to handle how we vote on these measures? Obviously, our legal counsel has come up with one legal determination and Mr. Trettis has handed us another potential piece of ballot language. Do we want to handle these all together? Do you want to handle them as they come? Anybody have a preference on that? I just want to make sure I do the will of the members.

Gabriel Jacobs Kierstein: The other makes sense. (inaudible) if we get done what we are going to pass and then come back to it and say we are going to hit these two or three, whatever it is going to be, ballot language issues.

Mike Haridopolos: Very good, other considerations on that?

Paul Gougelman: Mr. Chairman, to make it easier for everybody so we are going to handle them at a later date, all together, the question regarding the ballot summary language is the only one that you all have passed, interestingly unanimously so far. The resolution needs to be acted on. So far, if you would like for next time, I will bring it back

with Mr. Trettis's ballot language since it is his proposal with some very clear effective date language as Ms. Rogerson had asked.

### **Proposal 10- Supermajority**

Mike Haridopolos: Questions on that? Are we all okay with that? Okay and we will today maybe have more work for you with whatever might pass or not pass today, and think kind of go from there. So, we will not handle any of the ballot summary issues today, we know that those will be forthcoming, and we have what we know might be an outline of what will be our three- attorney proposal you can study for our next meeting. All right, any other questions for our staff, whether it be legal or otherwise? All right, let's move ahead for our agenda for today. On our proposals, I believe we are up to number 17, is that where we are at on the term limits? Proposal 8? Okay I am sorry, I think Mr. Burns who proposed this is not here. I think Mr. Chandler was kind enough to let me know about that. So, why don't we temporarily pass that and then move over to number 10 I guess would be on the Supermajority public hearing. Is that where we are at as far as number 10? Okay. Proposal 10 is a proposal we have been discussing for a while, is that yours Mr. Nye? Oh, that's right Ms. Rogerson's, I am sorry I am thinking about something else. Ms. Rogerson, I know you asked the question last time about the effective date last time, so you are recognized to introduce number 10 on supermajority votes.

### **Proposal 10- Supermajority**

Marie Rogerson: Perfect, I think we are all clear on what this does, as far as the response from our attorney, to me it's just my personal opinion, I am not going to live or die by this, but it seems simpler to me to put effective date language in this one proposal so that going forward any charter amendments that pass by ballot, doesn't have to have it every single time. But again, it's not a hill I am willing to die on so if there are questions about that or thoughts, I am open to it.

Mike Haridopolos: All right, any questions on Ms. Rogerson's good proposal? Mr. Trettis for a question.

Blaise Trettis: What I would like to do is make a motion, and you know if you look at all of the parts of the county Charter, not a single one of them has an effective date in them. I have looked at charters from all over the State, and I don't see effective dates on any provision of the charter. I think the reason why is that by law it is effective when it is adopted by the voters, and the canvassing board certifies the election. So, I really think that to be consistent with the charter, our charter and every other charter's in the state. It is not needed, it is definitely I think confusing, the language that's in there, I have already explained a couple of times why I think it is confusing, but I just think it is. I think if you would read it you would agree. But, I move that the words in the proposal after the word measure, be deleted. Those words would be "it shall be effective on the amendment on the first Tuesday after the first Monday after the election or any other date as specified in the amendment or division". I move that those words be deleted.

Mike Haridopolos: Okay, before we take that up, I did want to get more take on the overall issue, but before we discuss -- let's discuss this issue first. I know Mr. Fisher raised the question about timing in our last meeting. Mr. Jenkins, you have been through these proposals before as far as budgeting, et cetera, with your experience? can you illuminate to the rest of us who don't have the everyday experience on the county commission why or why not you may think this is a good or bad idea?

Tom Jenkins: I think that it does go into effect as was described. and so, I don't think you need that in there, that's more of an ordinance as opposed to a charter.

Mike Haridopolos: Ms. Schmitt, do you have an opinion on that?

Sue Schmitt: I agree.

Marie Rogerson: Can I ask a follow-up question for those who do have the experience on the county commission?

Sue Schmitt: Go ahead.

Marie Rogerson: When these ballot measures pass, some of them do have things that could affect budgets and could affect a lot of things like that. are there benefits to having a date that is pre- set far out that the county has to act on it?

Paul Gougelman: It is watching it on the county level and dealing with it on the city level and numerous cities that I have worked with. I find that the best thing is to actually set the effective date in whatever the enacting document is and usually it is going into effect upon being approved by the voters. however, there are certain instances, I think, where you will have some proposals that you may not want to have an effective date until a later time. So, the short answer to the question is it is based on the facts of the situation.

Mike Haridopolos: Ms. Rogerson, any follow-up? It is your proposal. Mr. Trettis.

Blaise Trettis: I have a comment regarding the budget: this proposal, the first time it could have effect would be, I think, two years later, two years from November of this year. Because that is the first time it could appear on a ballot. So, they just don't apply, the budget concerns. It couldn't even possibly become voted on until two years from November of this year. I just think those concerns are not relevant.

Mike Haridopolos: Okay

Vic Luebker: Just for clarity Blaise, what word are you proposing for the strike through just so I know what I am reading.

Blaise Trettis: After the word after "measure" it shall be effective as an amendment. It would read this, passage or proposed amount shall require an approval of a vote of at least 60% of voters voting on the measure, period.

Mike Haridopolos: All right. further questions? So, the proposals on the docket, does everyone approve of the suggestion made by Mr. Trettis? Okay, without objection we will show that change being made. We are on the proposal as amended. Is there debate on

the proposal as amended today? All right. We have had our three public meetings. go ahead.

Blaise Trettis: okay. I just think it is a good proposal. I voted for these increases every time it has been in the state constitution on the ballot.

Mike Haridopolos: I don't think you are speaking into the mic.

Blaise Trettis: I voted for these increases when it has been on the ballot for the state constitution it is a good idea for -- that's my comment.

Mike Haridopolos: Thank you. Others in debate? before Ms. Rogerson closes, I couldn't agree more, I am so glad you made it consistent with what we are doing here, and to change our equivalent to a local constitution you should have the higher threshold, so thank you for bringing it forward, and with that you are recognized to close.

Marie Rogerson: Please vote yes.

Mike Haridopolos: Okay, and with that please call the roll-on proposal number 10 by Ms. Rogerson.

Melissa Brandt: Kendal Moore? Yes Marcia Newell (Absent) Marie Rogerson. yes. Bob White. yes. Matt Nye. yes, Gabriel Jacobs Kierstein yes. Cole Oliver- yes. Sue Schmidt. yes. Jordan Chandler yes. Vic Luebker yes Dave Neuman. yes. Mike Haridopolos yes.

Mike Haridopolos: and is that 12-0? it is 13.13-0, fantastic. Well done Ms. Rogerson. with that, that will be one of the measures. we are moving forward to number 17. Which is term limits for county commissioners. This is the third public hearing we have had thus far. We have a few appearance cards before us. With that Ms. Katie Delaney is here first. Nic Tomboulides.

### **Proposal 17- Term Limits**

Katie Delaney: Last meeting when I was here, I was mistaken and I thought this was the old proposal about term limits for the county commissioners. I am for this proposal. one shot of eight years and that's all we need. thank you.

Mike Haridopolos: Thank you very much. Nick, I think he is here. Welcome back, you are recognized.

Nick Tomboulides: hey, thank you so much. Thank you for getting me up here so early. this has never happened before. Mark Twain once said diapers and politicians need to be changed often for the same reason. That is the thrust of this proposal. Barack Obama served two terms as President. he can't run for president again. George W. Bush, two terms, can't vote for George W. Bush again. That's because both of them were term limited. But, here in Brevard county we have a loophole where if you have been term limited, you can come back and run for county commission again. Most of the people I speak with who voted for the original referendum 20 years ago and supports term limits today, they don't think it is fair and they think it cuts against the spirit and the purpose of term limits because what happens is you have so many advantages of incumbency. They have special interests and PAC money and connections, and free media coverage. That

doesn't disappear or dissipate after an incumbent leaves office. That is retained. The purpose of the term limits we have is to allow for a diverse array of new, young, enterprising citizens to step up and serve in public service and we want to get that incumbent advantage out of the way so they have a fighting chance so that they can run in competitive elections. That's all this would do. It is a very simple proposal. It is very popular. It is nonpartisan. You saw 82% of people in our county are for term limits. I would encourage you to vote yes. If you have any final questions, I would be happy to answer them.

Mike Haridopolos: are there any questions? Thank you so much.

Nick Tomboulides: Thank you, sir.

Mike Haridopolos: Are there any comments before we vote? Mr. White?

Bob White: I just wish they would do the same thing in Tallahassee and eliminate the work. I think it is great and thanks very much Nick y for bringing it forward.

Paul Gougelman: Mr. Chairman? I have a question. I can see where this could cause some confusion. The amendment would limit to two consecutive -- or to two terms, rather, whether consecutive or not. What happens if somebody is appointed to fill a vacancy near the end of a term? Say it is with seven or eight months remaining in the term? Is that included in one of the two terms?

Mike Haridopolos: Well, the only reference point I can give you is in the legislature. I fully support this measure. I think the turnover is a fantastic thing. The way we handled it in the legislature, if you are elected in a special election your clock does not start. It is not until your first official general election. So, for example, Marco Rubio when he was in the Florida House of Representatives he was elected in a special election. His clock didn't start, so to speak, until he was elected in the general election in the year 2000. That's how we handled it in Tallahassee. I don't know if that is a county commission decision or something we can kick around here. Mr. Trettis.

Blaise Trettis: I think adding the word "full " would solve the problem, two full terms. I move the word " full " be added after the word two at the end of the proposal.

Mike Haridopolos: any comments on that? Mr. White for a comment.

Bob White: Yeah, so that means if somebody filled out a special election with three years left on a term, that means they can then run for two more terms in addition to that? they could literally serve for 11 years as opposed to eight?

Marie Rogerson: Would that also mean if somebody resigned partway through they could then run again?

Mike Haridopolos: Well again, I can just give you from my experience in the legislature. I went through that and I chose not to run again. It depends on the individual. If our goal is to thwart two full four-year terms, at what point do you cut it off? I would like to be consistent as we are in the legislature, but open to suggestions.

Sue Schmitt: I do think a good example is right now you have four commissioners. You had a resignation, and if the governor would have appointed someone to fill so many months of the term because it is under a year, at that point, then they decide to run, I think that needs to be addressed in here somehow if you're gonna do that because otherwise then you are eliminating someone that might run.

Dave Neuman: Alternatively, instead of adding the word "full" we can add two elected terms because it is contingent on them being elected and if they are elected twice that solves the issue?

Mike Haridopolos: Well the problem there is you may have persons that sit for one year. they only sit five years opposed to eight years. I think for simplicity if you just say if you are elected in a special it is not counted against you. I think Mr. White's point is well taken. It could be a three-year term. That's the reality, and voters would be aware. this person, male or female could serve up to almost four years, but still have the two full terms available to them. Our goal is to limit terms. I think that would be the easiest way to do it. I would like to stay with our previous proposal on the super majority. I would like to stay consistent with the legislature, but if you want a demarcation line of two years, I am open to suggestions.

Bob White: can we get input from the author? see what he thinks?

Mike Haridopolos: Sure.

Nick Tomboulides: I don't have any specific legal input on this question, but I would note that the debate you are having about the partial term, that affects whether someone has the ability to run again whether the terms are consecutive or whether they are lifetime. Because if you were appointed to a county commission seat with a couple of years remaining, then there is going to be a legal question of in the existing laws, before we make any changes, there will be a legal question of can you then run for two more consecutive terms after that? I think we might be kind of losing the point here where whether you have consecutive or lifetime terms, that question still exists, and some charters have language addressing that, addressing the partial term. Others I have seen them defer to what the case law says in different counties and cities. I don't think we should let that debate get in the way whether the term limit is lifetime or consecutive. Because it is not really relevant. That's a problem you have regardless if it is lifetime or consecutive.

Vic Luebker: Can I ask you this question based on your argument? For example, the president Obama or President Bush, two elected terms. Let's say one of them took over as vice president two years in for some reason. They would be able to run two more times, correct? where are you looking at this, I am trying to get an idea where you are coming from. You are saying two elected full terms. I think the Chair is kind of on to something here in the effect that if someone is appointed, you can't penalize them for that.

Nick Tomboulides: Like I said, there are different schemes as far as the jurisdiction on how to address an appointed term. But, that's going to be a fly in the ointment regardless whether it is consecutive or lifetime. I would ask our attorney here whether the 22nd

amendment allows someone to ascend from Vice President to President after they were already termed out as president. I don't think it does, but I am not a lawyer. They can run. they can serve as Vice President, but I don't think they can become president again after serving two full terms, per the language of the 22nd amendment.

Vic Luebker: Okay, so that's two elected terms.

Marie Rogerson: Quick question, would adding the word full allow people to then abuse the system and conveniently resign and then years later –

Nick Tomboulides: I do oppose including full for that specific reason. I have seen incidences of state legislator, one state legislator at least who took like a 100 -- a mysterious 140-day gap from being in the legislature and then was re-appointed by his colleagues, and he was claiming I can serve until 2026 or 2028, I just restarted my clock. I would not support "full " for that reason. I think you can game the system that way. Any further questions?

Cole Oliver: Would it alleviate some of the concerns from our colleagues, if it is elected to two full terms, so in the event somebody is appointed for a short window, say 90 days, they can still serve -- or three years, if it is a special election and they can serve two more full terms and to the concerns on the early resignation, those people would have already been elected to a full four-year term. That would quash that gamesmanship that is being discussed.

Nick Tomboulides: if I may address that, yeah, I think that is a sensible point. there was a case in Palm Beach Gardens where a councilman was attempting to game the system by retiring early, but because the language in the Palm Beach Charter mandated it is consecutive elections rather than consecutive terms, he was not able to do that. So that's a great point.

Cole Oliver: I would support an amendment such as that to the proposal.

Mike Haridopolos: again too, I think -- I am pretty sure it is unanimous. So, all we are debating right now is the ballot language, right? So, we have some time on this. just like we have done with other issues, let's ponder this and get your opinion throughout. I think we all understand our stated goal and want to make sure people are not gaming the system. I think we believe in it and I am glad to see this proposal coming forward. Why don't we table the vote? [inaudible].

Paul Gougelman: Just to add more confusion –

Mike Haridopolos: thanks.

Paul Gougelman: Section 2-point -- we are talking about amendment 2.4 of the charter. section 2.5 of the charter has the same language about serving two consecutive terms. So, the sentence says no person may qualify as a candidate or appear on the ballot for re-election to the office of county commissioner if by the end of the current term of office, the person will have served as a county commissioner for two consecutive terms. So, whatever amendment that you all come up with, I think we are also going to have to include in this proposal for clarification sake amending section 2.5.

Nick Tomboulides: Okay, I can come back next time with some revisions. Thank you for your support.

Mike Haridopolos: Other people want to comment on that? Mr. Burns, do you want to make a comment on that? come on up.

Robert Burns: Thank you, Mr. Chair. I have some knowledge in this particular issue. I have written about this in the past. It is coming into effect for the Palm Bay city council. So, when I was researching the issue for special elections, when it comes to qualify – I can't remember the statute number off the top of my head, but for qualification purposes, you cannot qualify for an office if by the end of the term your total time in service would exceed the term limits of the time. So, if you were appointed -- let's say somebody is appointed to Lober's position. if they were to run and then run again, the second term they exceed four years by three months. So, they would not be able to qualify for that second term to run for that office. It is in the statute, I can't remember the statute, but I can probably pull it up quickly. The problem comes under qualification.

Mike Haridopolos: Thank you for that information. The only thing I would add to that is I think state law is a little different because -- I will use the Marco Rubio example. he was elected in December of 1999 and served eight plus years. I will have to look at the exact wording for the Florida constitution, but I think it helps us work on this language, and as you have suggestions, feel free to send in the staff and we will take it under advisement. thank you. So, we will -- why don't we hold off on the vote on this. I mean, it doesn't matter. we know we are going to vote, and think through how we want to get the proposal done. With that in mind, let's also be thinking about how we want to write the ballot language. again, we've got time to get this done right. I want to make sure that the spirit of what we're trying to do is met. We don't want to see people gaming the system. I think you will have to look at both qualifying, and you have to look at also the idea of election as was brought up earlier. We will table number 17 for a final vote and make sure we get this right and meet the spirit of the goal and not lose out on this. Only thing I would ask, is what I brought up before, is just ask be consistent with the legislature and be in sync. We want the best possible candidates. think about it one way, if you are a person that wants to serve on the county commission and you know that if you are running in the special election your time is limited. I don't think that's fair. You are almost giving an advantage to people and being an incumbent is a big deal. So, the odds of you getting elected in a regular election is greatly diminished. Just keep that under advisement. Just like we do with number eight, we will postpone a vote on that. we will move forward to number 18 by Mr. Luebker dealing with recall.

### **Proposal 18- Section 5.2 Recall**

Vic Luebker: Thank you, Mr. Chair. Paul based on what you said a few minutes ago, I will add this language -- or suggest this language and then post it up for discussion and then I will wrap with my final thoughts. after the second sentence after "county officer " the words would be included " to include school board members named in section 1.4". and here is the rational. For me, I think and believe deeply the representatives should be elected by the people and ultimately accountable to the people. Recall is an accountability mechanism. To take that away for one group of individuals, I don't care if you're sitting on



the water conservation district, if you do something that is malfeasance, you should be subject to the recall of the voters. That's where I am at. I will turn it over to you, Mr. Chair.

Mike Haridopolos: thank you. questions?

Marie Rogerson: I have a quick question, Vic, it makes a little more sense to me to add it after that section. "any elected county officer named in" this charter "and include school board members."

Vic Luebker: I thought about that. that's a great point. Were you thinking after the word "charter."?

Marie Rogerson: yeah.

Vic Luebker: I thought the same thing and going back and forth on that last night where to insert it, so I am fine with that.

Mike Haridopolos: Mr. Trettis?

Blaise Trettis: I point out what you are talking about is my proposal, number 19. that's exactly my proposal. I don't know -- your proposal now corrects a typographical error. what you just said is my proposal because my proposal corrects that's same typographical error and includes school board members. So, what you are talking about is my proposal.

Mike Haridopolos: Technically he is number 17 -- I mean 18 and you are 19. So, based on Ms. Schmidt's question earlier, you can fight over authorship however you want to. You can call it co-authors. [inaudible].

Sue Schmitt: I would like to address that. At the last meeting I did ask Mr. Trettis if he would amend what he proposed to include Florida law in this section and Florida law with he included school board members and county commissioners and cities, and he has done that. His is even more specific. Vic, I don't have a problem with yours, but he was asked at the last meeting and he has done that.

Vic Luebker: Yes. I have no pride of authorship, but it is getting it over the finish line

Mike Haridopolos: Sure, you can paper, scissors, rock, whatever. But it sounds like you are willing to give this over to Mr. Trettis?

Vic Luebker: Absolutely, as long as the language I have is county officers to include the sheriff and everybody else, I am on board. I don't care if it is 18 or 19 or Jones V Murphy go for it.

Mike Haridopolos: All right. Mr. Jenkins for a question.

Tom Jenkins: I asked a question a few meetings back and I think it was the state constitution or something was changed where the sheriff, the property appraiser and the tax collector and the supervisor of elections even in charter counties were designated as constitutional officers. So, does that make the earlier provision in the charter in conflict with what the state is now considering? I don't know how you can be both a county officer and a constitutional officer, perhaps you can address that.

Paul Gougelman: Honestly, I don't think that chain in the constitution was enacted in 2018. I can look at that further, but I don't think in this particular case it is going to make it. I really don't think it is going to make a difference. Certainly between -- if you move forward with this today, we will need to prepare a final resolution transmitting it for the ballot. Which will come back to you and I can look at it between that time span if you want.

Tom Jenkins: The other question, the issue of the school board, the last I have heard there was concern if the charter should be regulating school officers. did we resolve that conflict?

Paul Gougelman: That is correct.

Tom Jenkins: Is that something for the three panel to consider?

Paul Gougelman: Well, this originally came up in a legal opinion that I submitted to you at the beginning of the charter review commission. There is an Attorney General Opinion, it is rather dated, from 1971 and basically what it suggests in so many words, that the county charter shouldn't be regulating the school board. Whether that would apply to the recall issue is still an open question. The charter review commission had suggested and actually approved writing to the attorney general on this issue and then the proposal was killed off and so we did not send that letter out. We don't know. The short answer to your question is there is no case law in it. There is a very dated Florida Attorney General Opinion from 1971 that would give you some reason to question doing this.

Sue Schmitt: I believe at the last meeting we also voted on 8.1 in the charter are on the last section we are keeping that in the charter. and it was a 13-1 vote to not remove and it would affect that too.

Vic Luebker: Mr. Chair? From a procedural perspective, can I just request to table this and move to the next one or move it all together next meeting?

Mike Haridopolos: That's the beauty of the system. We have time and if we have an issue, Mr. Trettis's proposal will circle back with you. That's a good suggestion if you don't mind?

Vic Luebker: Yep.

Mike Haridopolos: We will table also number 18. Those people with appearance cards, I think you are speaking on 19 anyway. So, you are good, let's move to 19, the identical proposal with the -- we are working with a lot of people. Mr. Trettis, you are recognized.

### **Proposal 19- Section 5.2 Recall**

Blaise Trettis: Thank you Mr. Chair, it is exactly not identical. My proposal corrects the clerical error made in the charter. And it goes on to add school board members as constitutional officers who may be recalled pursuant to and I replaced general law as suggested with section 100.361, which is the general law being eluded to in 5.2. It is the section which provides for the recall of county commissioners and city council. I think that is a good change because for voters who want to research this and go to the section and read what the law is rather than trying to figure out general laws which we would never get to it if they tried to look for it. So, I think that is a good change. I would just like to point out

some things. our attorney originally in the amendment said it was a close call. I think they decided in 1971 an attorney general opinion. I pointed out the attorney general opinion did not address recall school board members. it was matters such as can the county take over the school board's hiring and these internal operations, and the answer was no. I don't believe that that attorney general was applicable -- the attorney general opinion was applicable to what is before us. But, I think even more importantly is, if you study the letter to the attorney general which was never sent, but it points out from the Brevard county charter view commission in 1994 a request for a legal opinion from the Secretary of State division of elections was requested in which the charter review commission, or whatever enacting charter it was, asked if the charter could call or provide for the recall of the county constitutional officers. the answer was yes, it can. Additionally, in the materials there is an opinion of the Florida supreme court in which the Florida supreme court held that school board members are county officials, and they explained why. I believe -- I think the law is clear that school board members are county officials pursuant to the decisions of the report and there are specific officers listed as constitutional officers of the constitution. I think it is on solid legal ground that the school board members may be recalled as the other county constitutional officers, and if this proposal were to pass, I think for the benefit of having the attorney review panel is we will get the opinion of the review panel. Substantively I would argue, that yes, school board members should be able to be recalled like other county constitutional officers and if they were excluded from recall and that means the sheriff tax collector property and appraiser and supervisor of elections and the county constitutional officers, they could be removed from the office for breaking the law, malfeasance. but a school board member who breaks the law could not be removed for breaking the law, malfeasance. So, I submit that they should be treated like the other officers and subject to the same criteria and standards. That concludes my remarks. Thank you.

Mike Haridopolos: We have our own three-judge panel here. Mr. Jacobs Kierstein, or Mr. Oliver, or Mr. Moore any opinion on that? Mr. Oliver?

Cole Oliver: I will make a quick comment, but not on what was spoken about. I think it is a good proposal. I think Blaise went through the changes of those who dissented the first time requested. a little draftsmanship, a little hesitant to reference a specific Florida statute number, just in case it changes in the future to be a different statute number, but it is getting wrapped around the axel. If we were to say per Florida statute that would cover it. But, I am fine with it either way.

Mike Haridopolos: Mr. Moore? we have talked about this one before, Mr. Chairman and my concern about the prior proposal from Mr. Trettis, is it set a different standard. I agree with him that there should not be particular elected bodies outside the scope of the recall. I do have a little concern about whether this is the appropriate place to do it. But even those from the audience that objected to it originally were okay with placing it here and school board members on even ground. In that light, Mr. Chairman, I can support it as well.

Gabriel Jacobs Kierstein: As it stands, it is there. I support it as well. it started out needing a little tweaking and some work, but it is consistent with what the commission and the public is looking for and what they want. As far as the legality issue, you have to just go for

it. I think this is a situation where it is not, you know, absolutely clear cut on either side. It is close. It is questionable in that sense. Mr. Trettis made some really good points and I think we go for it. We have the catch all of the -- not really a catch all, but we have a backstop of the three-attorney panel to get another opinion from them as well and we'll go from there.

Paul Gougelman: just a clerical issue here. Going back to Mr. Oliver's comment about the fact that the statute could be changed or maybe even replaced by another statute, there is a rule of statutory interpretation that the courts have approved which if you reference a specific statute, it is seen as being that statute out as it was at the time of whatever your amendment is adopted. So, what I would suggest to clarify that, if you want to continue by referencing the statute is to include afterwards, section 100.361 Florida statute as amended or super seeded from time to time. I think that would –

Cole Oliver: And I can also add that by referencing a specific statute that may preclude other statutes that are in the future, that it may reference recall specific -- it may be recalls directed to school board members in the event the legality is questioned. I am okay with the proposal so long as our attorney signs off on it.

Mike Haridopolos: Mr. Trettis?

Blaise Trettis: When I wrote this, I intentionally left out the words "or substantively read number Florida statute." I have seen that in other charters, where a statute number is written and they cite the statute and they say " and in I subsequently read number statute" and they take care of the contingency. I didn't do it in this case for my proposal because I am looking at the statute and it has been in place in -- since like 19, .I don't know, 71 or something. It has been sitting there for decades. I don't have any reason to think it would be renumbered. That's why I didn't do it. I would be glad to add that language. I just don't know exactly what that language is.

Paul Gougelman: I would really recommend to you as amended or super seeded from time to time. And the reason is, is If something is re-numbered, that only changes the numbering. It doesn't necessarily change the wording, and that's what you are trying to stay current with. it is whatever the current wording is for recall.

Blaise Trettis: What I would do then is move to amend my proposal to have those words as amended or super seeded "from time to time " after every citation Florida statute is said in the proposal.

Mike Haridopolos: Let me ask this question because what really matters is what the voters will see. What will they see?

Paul Gougelman: What they will see is -- they won't see this unless they actually ask to look at or go to look at the actual wording. This is not the ballot language.

Mike Haridopolos: And to that point, when we do the ballot language we won't have all of the numbers.

Paul Gougelman: correct.

Mike Haridopolos: So, anyone object to Mr. Trettis' -- I agree with that, but I want to make sure the voter doesn't see all of the numbers and get confused, perfect. So, without objection we will show that -- Mr. Luebker?

Vic Luebker: I just want to make one final comment because of the way we came at this. From my perspective, I am going to reach out to the local legislative delegation because I think the state should take this up at the next section and we should have state-wide uniformity and I will throw that out there.

Mike Haridopolos: I would be happy to help you. good idea. So, without objection we will show the change made by Mr. Trettis to we are all in agreement. We have had the proposal read three times publicly. We have a couple of appearance cards. Katie Delaney do you have any comments? Welcome back.

Katie Delaney: Thank you. firstly, I just wanted to say thank you. This has been an extremely emotional sometimes explosive topic and I appreciate all of you listening to the public and hearing us all out on this. The only question that I have about the proposal and I don't know if this is the appropriate time to talk about this is as per the recall process laws, for school board the people collecting the signatures have to be in the district that you are recalling that school board member. I agree with the people signing to recall should be in that district, but I was wonder figure there was a way we can change that the volunteers going to collect the signatures are within the county versus within the individual district?

Sue Schmitt: I don't think it matters where they live in the county.

Katey Delaney: It does.

Sue Schmitt: If they are going out to collect, but it matters where the people that sign it live.

Katie Delaney: But they have to be -- They have to be so the witness has to -- as per the current laws has to live in district. So, I didn't know if there was a way to make it so that the volunteers going to witness the signature could simply be a county resident versus that district's resident. I don't know if that makes any sense.

Vic Luebker: It is my understanding, and Paul if you could: because of state statute that regulates that it would have to be through the state. It is not county that can oversee that. That would be part of what I am looking at going to the state delegation saying let's get uniformity on this and how we do it.

Katie Delaney: Awesome. Thank you, guys.

Mike Haridopolos: All right. next we have Carol, pronounce your last name again.

Carol Vyhonsky: Yes, Carol Vyhonsky. Thank you. listening to your comments over the past few minutes I don't really have anything else to add other than to say, obviously I support this proposal and thank you again for listening to us for the last few months, and thank you for your votes.

Mike Haridopolos: Thank you very much. There are no other appearance cards. The proposal has been amended. I think we are all aware of this. again, thanks again for being very generous with this, you bringing that proposal forth earlier gave us some time to kind of catch our breath. I also want to thank Ms. Schmidt for sticking to her guns and getting a better proposal and so people see it is uniform and not just directed at one group. That's for credibility sake. Mr. Trettis, thank you for being patient as we work through this process. any other debate on this issue? I am glad it is coming to fruition and thanks to the folks for sticking with us from the beginning. I think this is -- what better way to empower people than to have the ultimate say in not just electing, but keeping people in office. Mr. Trettis, did you want to close on your proposal?

Blaise Trettis: No, I will waive closing, thank you.

Mike Haridopolos: With that, Melissa will you please call the roll for proposal 19.

Melissa Brandt: Kendal Moore. >> yes. Marie Rogerson. >> yes. >> Blaise Trettis. >> yes. >> Bob White. >> yes. >> Matt Nye >> yes. >> Gabriel-Jacobs-Kierstein. >> yes >> Tom Jenkins. >> yes. >> Cole Oliver. >> yes >> Sue Schmidt. >> yes. >> Jordan Chandler. >> yes. Vic Luebker. >> yes. >> and Mike Haridopolos. >> yes. >>

Mike Haridopolos: It will be placed in the ballot pending ballot language. well done. Next, we will move to number 20. It is by Gabriel Jacobs-Kierstein. you are recognized.

### **Proposal 20- Section 7.4.1- Three Attorney Review Panel**

Gabriel-Jacobs Kierstein: Thank you. it is the third meeting on this issue and it is to amend 7.4.1 to add a subsection 3. Since the last meeting, I have made some revisions due to comments that were made by other commissioners. Number one, I would like to say that I took this on as kind of a project for the group since this seemed to be an issue brought up by our attorney Mr. Gougelman and there was an issue about paving the way for a clear course of action in the event this happens. Mr. Gougelman confirmed with me on this and was very helpful in drafting the language and getting the intent to be clear. In addition, I added subsection a which Mr. Moore had brought up as being something I thought was a good idea as well and to have support of the commission. When the proposed amendment is sponsored by the charter review, and so when it is brought forth, and when it is sponsored by us, the three-attorney panel will be selected by the charter review as well. It alleviates that concern of maybe back channeling or not having that fiduciary duty to the commission. It is completely open in that sense. it is pretty straight forward and self-explanatory. on subsection b you are delineating and setting out what the course of action and what the procedure is if something is rejected by the three-person panel and how it would come back to the charter review to cure it, because that's the ultimate goal here, right? it is to pass things that are legal, but also appropriate for the public to vote on. So, for those reasons I would ask everyone to support it and if you don't, you don't. Thank you very much.

Mike Haridopolos: Thank you, any other questions? Mr. Trettis.

Blaise Trettis: I like, a, that the charter view commission would basically hire the three-attorney panel, but b, to me -- part b, when you look at the time frame that's we are dealing

with, it doesn't seem like it is really doable, for example. If this were to pass today, it is July 07, it says that the review panel would have thirty days, so that is August 7th. It is inconsistent with state law and the constitution. The, August 7th the ballot language is due to the Supervisor of Elections August 22, which is two weeks later. Two weeks to try to correct it, and that brings up another point. Personally, I don't think the proposals would be very difficult to try to change the language and massage the language to make them constitutional or not inconsistent with state law, because to me most of the proposals would either be preempted by the state or not, in which case they are not if they are not. It just seems like a really -- I don't know if it could ever be -- I don't think it is a good assumption to believe that everything can be cured, especially in these time frames. the other thing I would like to point out is we have already passed a proposal where the same situation takes place simply says it's returned to the county commission or the charter review commission for action if they -- if it needs to be done. Meaning, it is just open. Okay? So, under that language, you could intentionally, you know, try to get your vote done early in the process, like two months ago, in which case you'd still have plenty of time to cure it. I just don't know what is gained from this now that the other proposal that's been passed has been passed. I am just not understanding the benefit. I do like 3a on hiring the attorneys. I guess my final point is, I don't know. If this were to pass, I am just wondering if, you know, voters would look at this and say, well, I don't know really what this means. It is pretty technical. I am going to vote no, and then vote the other proposal no too. it is really touching on the same section. I am just not -- I guess I am not sold on it, to tell you the truth. That's all.

Gabriel Jacobs Kierstein: Okay, just a couple of things. Originally it was 10-days.but after working with Mr. Gougelman, he said just based on his experience across the state, you want to be able to give them a reasonable amount of time. If we want to shorten it back to 10 or 15 days, I have no problem to give that extra week or two or couple weeks, rather. and then in the last sentence in this section, notwithstanding section 7.4, the charter commission shall be extended for the sole purpose of further considering any charter amendment proposal rejected by the three-person panel alleviates the issue of us not being in session anymore, so to speak. You know, we would just have to address things quickly so we could shorten the time or leave it as is. If anybody has any questions in more detail as to what Mr. Gougelman was referring to or if he thinks it should stay at 30 days, feel free. The other aspect to comment on here is it gives us an opportunity to cure a defect. it doesn't force us to try to cure the defect. In other words, if there is something that can just be tweaked, that's why this really specifies, hey, you are going to give us a written report containing your conclusions for each proposal so it is not vague. You can tell us, all right, these are the two things or three things that can be done to cure this, or it is incurable, or we decide that it is not even worth moving forward on. So, it leaves that open, and it leaves some discretion to the future, you know, charter review commissions. and I want to be clear on it. I don't want a whole lot of ambiguity, and the ballot language I think can take care of that. We can draft the ballot language in a way that it will make sense to the voters, and it is not as technical or legal that way. I was just acting off what I thought the commission was looking for and for those reasons it sets up to do that. If you think it is contradictory, then you can vote no.

Mike Haridopolos: Mr. Jenkins.

Tom Jenkins: I think that I have an issue with section a. the county commissioners are elected by the voters of Brevard county. There's only one elected official sitting on this panel here today. so, I don't think it is appropriate to negatively connote the actions the election commission may or may not be taking. I can support the charter of the commission recommending a three-person panel to the county commission. I think the county commission should have the final say on it. Blaise, in regards to your concern about timing, the solution to that is relatively simple. The charter review commission just has to get their work done sooner and then you can meet those timelines.

Gabriel Jacobs-Kierstein: And as far as "a " is concerned I have no problem changing that. If that is the will of the commission and if everybody else feels that way too, again, I am totally open to amending this to make it work for what we are going for here.

Matt Nye: Just a point of clarification, the charter review choosing the three attorneys, wasn't that because we were also trying to tap the budget here so we weren't subject to the county or no?

Kendall Moore: I think Mr. Nye's point was raised by Mr. Trettis. I think that's when there were some conflict concerns in the earlier days, I think that is where Mr. Jenkins was going. Whether the county commission's choice could impact the outcome of the three-panel decision. And so, I mean, that's not where Mr. Jacobs-Kierstein started, but based on Mr. Trettis' request it has made its way to that point, in terms of how we got there and where it came from in the first place.

Matt Nye: Right, but as I what I am after right now, as proposed right now, would those three -- would we as the charter review commission be choosing those attorneys?

Gabriel Jacobs Kierstein: I believe so. That the fiduciary duty, that is where that would come from because we are actually they are our clients, so to speak, for that purpose. Or vice versa.

Bob White: Excuse me, has the county commission started the process of selecting the three-attorney panel for this go around? do we know who they are?

Jim Liesenfelt: Just trying to get the contract finalized. Gray Robinson -- I am not good at this, Nickerson they have been around and Sib forge.

Blaise Trettis: The point I didn't make, if you went through this process it rejected, and came back pursuant to the proposal and tried to re-word it, I am pretty sure that if you re-worded it, you wouldn't have to go back to the three-attorney review panel for another review which would be more time. I am just pointing out the time element again. That's all.

Mike Haridopolos: I think Mr. Jenkins' point -- I think we started October, November, whenever it was, if this is a concern, which I think it is, I think for the next one, six years from now -- and by the way there are term limits on that too. >> absolutely. >> The idea is maybe we start a little earlier with the expectation of finishing in say March or April so that if we need to come back into session based on the three-judge -- or the three-lawyer



panel, that we will have the ability. That's food for thought for six years from now. Because we can't change it now to Mr. Jacobs point. Ms. Schmitt.

Sue Schmitt: you said all the contracts are not signed yet? >> no. still finalizing. >> when do you anticipate that?

Jim Liesenfelt: The next couple weeks at tops.

Sue Schmitt: Because I think, you know, if this board passes something, I think at that time you can move to that three-panel and not all pile up at one time. So, hopefully that can be expedited.

Jim Liesenfelt: Yes, we've talked to the firms about the timelines.

Sue Schmitt: thank you.

Gabriel Jacobs- Kierstein: I have one question for Mr. Gougelman. Do you think that 30-daytime frame if we want to be as safe as possible, could we make it 15 days even to save a couple weeks there? Or do you really think that's not a good idea?

Paul Gougelman: I am sure you can probably change it if you choose to. One thing I would point out to you with regard to the last sentence, it may well be -- and this gets back as the Chairman noted, when the charter commission is appointed and when it conducts its reviews, it may well be if it is so close to the finalization of the ballot by the supervisor of elections that that particular item might have to be carried over to the next general election ballot in two years.

Gabriel Jacobs- Kierstein: okay.

Paul Gougelman: And that's why the language in there, it talks about extending the term of the charter review commission for that item.

Gabriel Jacobs- Kierstein: Thank you for that clarification. and at this point, I would move to amend the 30 to 15 days and hopefully that's not being unreasonable to the three-attorney panel.

Mike Haridopolos: Does anyone object to that, 30 to 15? All right. make that so. We are back on the proposal. Is there a debate on the proposal as amended? All right. So, if there is no debate, we can -- I'm sorry. Mr. Jenkins.

Tom Jenkins: I move to amend the charter review commission submits a list of attorneys -- [inaudible] to the county commission and the county commission has final say on -- to give you an example, the county is negotiating with three attorneys, three legal firms, and they don't know what your ballots are. They don't know what the questions are yet. yet, they are picking three attorneys. So, to automatically associate and there is some sort of inappropriateness potential inappropriateness going on. I don't think it is founded. I think the county commission should have the final say on the three attorneys so I will make that motion.

Gabriel Jacobs Kierstein: Sure. and I want to be very clear that there is no insinuation of inappropriateness. This is just to avoid in the future any appearance of impropriety or

possibility of it. This is not a situation to where we are inferring that we have some concern with this particular commission or going forward. So, I just want to be clear on that. I don't have a problem with your amendment either.

Mike Haridopolos: Anybody else have a problem with the amendment? >> [inaudible].

Matt Nye: I would oppose it.

Bob White: I would oppose it too.

Mike Haridopolos: Okay, let's talk about it. If those people for or against it, speak up. Mr. Nye, you're first. I

Matt Nye: I think having the charter review commission having the final say. Again, we have been talking about being consistency. If the attorneys are here to represent the charter review commission, I think we should have the final say.

Mike Haridopolos: Others? Mr. White?

Bob White: Same argument as well, and I like -- what you are referring to which was it eliminates any appearance of impropriety or conflict or anything of the nature.

Tom Jenkins: What demonstrates to you that this panel has any more proprietaries than the county commission? I am sorry, if it removes the county commission from interference, how does this panel supersede the county?

Bob White: I don't know if it does necessarily, but this is the panel that heard all of the testimony. This is the panel that worked through the process of putting all of these provisions together and all of these amendments of the charter together. It just seems this is the appropriate panel to then make the selection as to who that three-member panel should be. And again, it just -- we started out this whole thing as -- I mean, early on there were questions as to whether or not the county commission would have un-do influence over the three-attorney panel. That's an issue we raised early on in the process, not by me necessarily, but it was raised and it was considered at the time. I just think that as it is currently written it eliminates any impropriety at all or any chance of it, or any -- I just think it is great the way it is written. I don't think it is a slap in the face for the county commission for this panel to be the panel that chooses them.

Matt Nye: Again, just to follow-up, I think the entire purpose of the charter review commission is to be a -- you know, maybe it is not a check, but provide the citizens an input as to the way they want things to function. So, this seems like a logical extension to me, again, as bob pointed out. if we are doing all of the work and it sounds like we are footing the bill, that it makes sense that we would be the final say on that. I just think it is completely consistent in the spirit which this commission was created, and again we have -- as we moved through these meetings over the years, you know, we keep turning up inconsistencies and we are fixing them as we go along. This is another step along the path. this is a better way.

Tom Jenkins: Mr. Nye, you're not footing the bill. The taxpayers are.

Matt Nye: Fair enough. for either way, whether it is the county commission or the charter review.

Mike Haridopolos: further debate? anyone else? So, we will have a vote before the main vote on the amendment proposed or objection proposed by Mr. Jenkins. Can you repeat your proposal so we can vote up or down?

Mr. Jenkins: I think the charter review commission would submit a panel recommended attorney for the county commissioners' final approval.

Mike Haridopolos: We will have a voice vote on that. All those in favor of Mr. Jenkins' amendment say yay. >> yay. >> all opposed say nay. >> nay. >> I believe the nays have it. we are now on the proposal, not amended, but amended earlier. [laughter]. Maybe I will ask the question before we go into debate, Mr. Jenkins, you didn't win that vote, per say. more importantly, like we had the issue earlier where Mr. Trettis had a proposal on recall and we made adjustments, but does that prohibit you from voting on this? okay. just want to make sure. Anyone in debate? seeing no debate, let's call the roll for Mr. Jacobs-Kirstein's proposal. >> Kendal Moore. >> yes. >> Marie Rogerson. >> yes. Blaze Trettis. >> no. >> Bob White. >> yes. >> Matt Nye. >> yes. >> Gabriel Jacobs-Kiersten.>> Tom Jenkins: yes. >> Cole Oliver. >> yes. >> Sue Schmitt. >> yes. >> Jordan Chandler. >> yes.>> Vic Luebker. >> yes. >> Dave Neuman. >> yes. >> Mike Haridopolos >> yes. >> proposal passes, well done. Thank you for everyone's input. next we are moving to number 22 by Mr. Nye with the revised citizen advisory process. We are in the third meeting and there can be a vote if we choose to. You are recognized.

## **Proposal 22- Revise Citizen Process**

Matt Nye: Thank you. It is self- explanatory can come before the county commission and make proposals for improvement and ask the commission to vote those up or down. The process takes place once a year and based on some concern of some people that reached out to me and also that attended here, I thought it would be nice to have that happen twice a year to give the citizens a little more opportunity to do that.

Mike Haridopolos: Are there questions? Mr. White.

Bob White: I just have a question of the staff, really. what is the impact on staff whenever one of these -- when we go through this process and there is a recommendation that's made? How much staff time ends up being applied to one of the expenses associated with reviewing these different proposals? If we did it twice a year would it unduly burden the staff? can you enlighten me on that?

Jim Liesenfelt: The proposals or the process -- I am looking and I have some dates and one of the examples is -- you release it in December for responses for the month. We receive the responses and we start responding in January, and then staff puts together a report on the items and you take it back to the board in March. It really depends on what the recommendation or what the citizen is putting in. You could have multiple departments and a number of attorneys. We could be sending them out, we send them out to cities and the other constitutional officers because it was related to that. and then you could have 8 or 9 staff members working on it.

Bob White: So, it can be quite cumbersome?

Jim Liesenfelt: yes.

Sue Schmitt: yeah. Mr. Liesenfelt maybe hasn't told you, but it really is a huge, huge thing for this staff that goes on. I know the county commission has addressed that before and the answer to that was once a year. One of the main reasons for that is at every meeting the county commission has two places for public comment. anyone can go before the county commission, in fact some have done that in here, and express their thoughts about whatever they want to talk about. They can address an item on the agenda if they wish to do that. Right now, the way it works, the people are really -- once a year if they want to make proposals, they sure can, but it takes a lot of staff time. That's what you were eluding to, I will say it, I just wanted to put my two cents in. If the public did not have the ability to comment to their commissioners or in public -- or make proposals in public meetings during the public comment, that might be another thing, but that's not the case.

Vic Luebker: Thank you, Mr. Chair. Originally, I was not in favor of this. The last meeting, I was clear where I was at on this Matt. I think when it is -- you know it is a frequent flier who wants to come in every meeting, that burdens the heck out of staff. I don't think twice a year is too much to ask to let citizens make their input known. I think twice a year is fine.

Marie Rogerson: Out of curiosity, how much use do we get out of the once a year? how many tend to come forward?

Jim Liesenfelt: The last three years, this past year it was zero. the year before that it was 9 and the year before that was 55.

Marie Rogerson: Oh, Wow.

Mike Haridopolos: Did any of those proposals go anywhere?

Jim Liesenfelt: it depends on what the proposal -- I believe what it is it was sent to the county commission to accept the recommendation, accept with revisions or reject it. There is item that we do accept with modifications, you know, talking about different litter pickups, but there have been items like telling us to get together with other counties and buy the Florida east coast and shut it down. We rejected that item. it gets deep.

Vic Luebker: Mr. Liesenfelt, on that 55 number do you also have the break- down of how many came from one person?

Jim Liesenfelt: That, no, sir, I do not have that in front of me.

Vic Luebker: Is it fair to say that some of those have a significant number that came from the same person?

Jim Liesenfelt: I don't recall. I don't recall any --

Vic Luebker: I am not trying to pin you down Jim, I get it. I know how this works.

Jim Liesenfelt: I don't recall anybody having a handful in that case.

Vic Luebker: okay.

Bob White: So, just to follow-up on that same question, whether the majority come from one person or not, you still have to spend time with staff addressing any concern raised?

Jim Liesenfelt: Yes. As staff we have to report it back to the county commissioners with a recommendation. the county commissioners have to vote on the consideration of the recommendation no later than 120 days.

Cole Oliver : I guess this is a question for the staff and our attorney. Is there anything to prevent the council -- or the commission to opt for a second time and not have to place it in the charter?

Jim Liesenfelt: I can't answer for the attorney. it is in 2.9.10 in the process.

Tom Jenkins: Jim, I don't think there is anything that prohibits the board from setting a policy to do it five times a year if they wanted to.

Jim Liesenfelt: I understand.

Mike Haridopolos: Let me ask this, it is not coming from the staff and that's not my argument, but Mr. Fisher brought up the idea that if you can't get one commissioner to embrace your idea enough, the odds of you getting three or four votes out of five are pretty slim. I understand where Mr. Nye is coming from because in other places, i.e. the school board, you are not given the time of day. I just wonder is this something we, quote, put on the ballot when it is something that when Mr. Oliver just asked, can be adjusted. I know the county commissioners. and unless there is -- they are pretty logical folks. If there is any merit to an idea like we did in our multiple meetings, even the ideas we didn't think were the greatest we gave them a hearing. I would like to think an idea with any decent merit they would be given the time of day beyond the one meeting. I like the concept of the proposal, but the ballot language may be a little bit far for me to cross, but again, I am just a little concerned about do we put this on the ballot or can we make a recommendation to the commission? what do you think?

Matt Nye: I have a couple of rebuttals here. One, I personally, you know, maybe I am crazy or whatever. I had specific, concrete issues for improvement for the county that would have saved millions of dollars and could not get the time of day from any of the commissioners at the time. I am obviously sympathetic to this particular item. It's not about coming and standing here for three minutes. It is about forcing the commissioners to vote up or down on an idea. On a proposal. I know other people that they cannot get an item agenda for any reason. It may not be because a commissioner disagrees with the idea. they go with one commissioner and they say I am not for that. and then they go with another commissioner that is partial to the idea because of the push back he gets from staff he doesn't want an agenda and so it goes. So, the whole purpose of this is to make it where it has to be addressed and voted on. In terms of the staff issues, Mr. Liesenfelt, are the requirements -- like when somebody brings one of these forwards, is staff doing any more work than when a commissioner puts something on the agenda? Essentially aren't we saying -- we are just adding a citizen that is bringing forth an item. So, in a sense, yes, you have more agenda items, but it is not like a citizen proposal is somehow significantly more work than -- I mean is that a fair statement? I understand there are outliers.

Jim Liesenfelt: You are going to love my answer, but yeah, it depends on the item, and what they are looking for.

Matt Nye: So, I guess that piece -- I understand the frequent flier thing. I would be curious to see the break-down of the 55 because I hadn't heard that one. The other numbers seem much more in line. Those are my two big -- and again right now, we have it in place once a year and I think that's great. I just think twice a year would be better. I just feel like some of the things -- yes, it is work, but at the same time, had I been given the opportunity if these items were given a vote, those cost savings would have been substantial. It would have more than offset the minimal work for staff.

Cole Oliver: Did you bring your items up in the once a year?

Matt Nye: No. This was prior. My issues happened, that's why when it was on the charter review I was supportive.

Bob White: One more question of staff. If we go to twice a year, we are talking about going through this process every six months. As of right now, let's not deal with the 55. We had nine and we had zero. What if we had 20, 25 of these. Is that more typical? I guess my question is would you be done with the review of 20 or 25 of them in six months and then ready to restart again? or would it sometimes take longer?

Jim Liesenfelt: Under the charter we have 120 -- the board has. but then you have the case of -- it takes three months and now you are working on them six months a year instead of three months a year.

Vic Luebker: Thank you, Mr. Chair. I will direct this to Tom and Jim because of your staff expertise on this. The 55 number has got me kind of going the other direction now. That scares me, especially with the frequent fliers having dealt with them. Can we do this as an AO and suggest to the commission consider doing this or are you making it more visible? I think that's the way to go.

Matt Nye: To be blunt, I don't think that's going to happen. That is the purpose of the charter review commission. We dictate how the county should operate or put forth to the voters how we think it should operate. Are you going to pinky swear to put it in place? [laughter]. What is the recourse? This is the appropriate body. It is not the end of the world. We already got it in place once a year, but I thought it would be better based on the feedback from the public.

Bob White: For the record I want it to be known that Mr. Nye and I don't always agree on everything.

Tom Jenkins : Can we call it to question?

Kendal Moore: Mr. Chair, I do have one and I am sympathetic to the staff's time and energy as well. I heard Mr. Liesenfelt describe it takes six months to get it done, so too. Mr. Nye and I were here previously times process. and that perpetual process is a concern. Mr. Nye and I were here previously. I did have sympathy when it was zero and the opportunity didn't exist. Now it exists and it exists annually. To turn it into something

that lasts 12 months out of the year basically to get it done is a significant stretch for staff, and I wouldn't –

Matt Nye: You said three times. It is six months.

Kendal Moore: He has 120 days to get it to the commission.

Jim Liesenfelt: It would be three months times two.

Kendall Moore: But, you have 120 days to do what?

Jim Liesenfelt: It is 120 days from the -- what do you want to call it? From the receipt of the recommendation that has to be brought to the board, and the board has to take action.

Kendal Moore: Okay, 6 of the 12. I will give you that. and I still think it is quite a bit. Let the record reflect that Mr. White and I happen to agree on this one.

Mike Haridopolos: I think we are done with debate. So, let's call the roll on the proposal. I am sorry. There are a couple of appearance cards on this. I am sorry, 24 there is. We will call a roll on that. Thank you so much.

Melissa Brandt: Kendal Moore. >> no. >> Marie Rogerson. >> no. >> Blaise Trettis. >> yes  
Bob White. >> no. >> Matt Nye. >> yes. >> Gabriel Jacobs-Kierstein.-Absent Tom  
Jenkins. >> yes – I mean no.\r\n\r\n[laughter]. >> Cole Oliver. >> at this point no. >> Sue  
Schmidt. >> no. >> Jordin Chandler. >> no. Vic Luebker.>> no. >> Dave Newman. >> no.  
>> Mike Haridopolos >> no. >>

Mike Haridopolos: By a vote it does not pass. We will move to number 24 by Mr. Chandler and we will table this, but Mr. Chandler are you recognized and there are a few cards.

### **Proposal 24- Affordable Housing Trust Fund**

Jordin Chandler: Thank you. as stated many times, the purpose of this trust fund is to provide a continuing non-lapsing fund for the Brevard county commissioners to create sustainable, affordable housing in Brevard county. My amendment to the proposal, which there were many, has identified as single, viable funding source which is the sale of county -- real surplus land which is deemed appropriate for workforce and affordable housing. The dollars that are generated from sale would then go into the trust fund which they then can be used to create more affordable housing units by incentivizing the community housing development organizations and developers who wish to build more units. In essence it creates a continuous fund and it establishes a circle of life Now, I do believe that the board of county commissioners should still be able to allocate dollars and resources to this fund as established by ordinance which is why is in the table. we are all aware of the severity of the issue that we are faced with. at the previous meeting. I did mention that I would be having some meetings or a meeting coming up with a major corporation in Brevard county. this particular organization has inquired really about what Brevard county is doing to address workforce housing. I would say approximately 50% of that company's workforce are blue collar workers. in essence they are making less than \$25 an hour. Out of that conversation, it was discovered that over the past six months this company has targeted over 600 new employees. Out of that 600 plus job offers that they extended, there were 347 declined offers. the current employee relocation rate is pushing

about 45%. So, really the question that was posed was why, but I think we all know that it is because of the lack of affordable housing in the county. I would say really everywhere. and so, if this is just one company, just imagine what the others are feeling. they are asking what kind of investment can we make? What can we do to not only keep our people here, but what can we do to also attract new employees and taxpayers to the Space Coast. Now the previous meeting and I will say at all hearings I receive many questions surrounding this proposal. I would like to briefly answer some of the ones from the previous meeting. Number one, Ms. Schmitt asked if I looked what funding was approved by the county commission back in May as a part of the federal ARPA dollars received. I went back and looked at the information and no funding were specifically set aside and made for affordable housing. the housing and human services department and the county community action agency received dollars from -- for emergency rental assistance, but that was over a year ago when the dollars first started, you know, being dished out. Number 2, Mr. Trettis had some very poignant questions about the county code language in the original proposal. That language I would say was stricken because I do agree with him, it was excessive. Number three, Mr. Luebker had questions about certain portions of the revenue sources as detailed in the original proposal. The funding sources that he asked about which were asking about mandatory and voluntary payments. He asked if this was strictly relating to impact fees and it was, but from a voluntary perspective. what I was eluding to was inclusionary zoning for projects or developers that may have said, you know, I don't necessarily want to have -- I want to have to set x amounts of units aside for the creation of affordable housing. I would rather pay in lieu of. and so, you know, I have stricken that language from the proposal because I do believe after talking to Mr. Gougelman that it could potentially be controversial down the road. And, so from a legal standpoint I struck that from the proposal as well. the general fund language that was also stricken from my original proposal because Mr. Luebker raised the question to if those dollars were not spent at the end of the fiscal year could they not be able to be reverted back to the general fund? The intent of this proposal is to create a non-lapsing fund, so those dollars have to remain in the fund. Knowing the budgetary constraints that we're under, I think it was appropriate to strike that particular language from the original proposal. Honestly, I believe I have addressed the vast majority, if not all, of the stated concerns that were raised previously. I will close with this, the question has been asked, what makes this different than what currently exists? I stand by this, that this creates a permanent fund with a single identified funding source with a caveat that there can be others and it clearly delineates that the fund cannot be swept unless the voters decide to shut it down by getting rid of this from the charter. Thank you, Mr. Chair.

Mike Haridopolos: Thank you, are there questions? Mr. Luebker?

Vic Luebker: Thank you, Jordin, for your hard work to tighten this up a lot. Can I ask a question or clarify for me, revenue sources c, that's the area I will focus on like last time? The trust fund established shall be funded as directed by the county commission and may be comprised of the following resources. What you are saying there is there is no ballot language related to taxes going up, correct? It is going to come out of the general fund at their discretion. It could be a dollar or a million dollars. That's the hard decision they would have to make.



Jordin Chandler: Correct. And that was the original -- that's why I listed a litany of sources. I didn't want it to be another tax on the voters. A lot of the counties I have spoken to have had additional conversations in the past week, some conversations are being thrown out about potentially putting a half cent sales tax on the referendum. Obviously didn't want to do that here. I wanted us to look at what we currently have available to us and not enclosing any additional un-do burdens on the taxpayers, but keeping them in mind that they are the ones affected by the lack of affordable housing.

Vic Luebker: I agree with you. Section 1 and 2 of section c, funds from the sale of county surplus real property. Are you talking about excess property, not real estate?

Jordin Chandler: correct.

Bob White: So not real estate?

Vic Luebker: Not real estate. Real surplus property. Excess property that can be used for that. We are not selling county land?

Jordin Chandler: No, sir. no, sir.

Vic Luebker: okay. And other established -- other resources established by ordinance. So, in other words whatever the county commission at the time deemed as an additional source. they had to come up with that.

Jordin Chandler: Correct.

Vic Luebker: That addresses those issues. thank you.

Mike Haridopolos: Mr. White.

Bob White: Just to follow-up on that, can you give me an example of county surplus real property that's not real estate?

Jordin Chandler: So, they have -- I am actually waiting for this to come back from housing and human services department, but there are approximately about 200 properties that are currently listed on the real surplus property registry list. So really waiting for what properties are deemed appropriate for affordable housing. It is real property. Correct, real surplus property.

Cole Oliver: I think the distinction may be, and this may be a question for staff. The county goes through a process with the real estate holdings and decides what is a surplus property.

Bob White: We are talking about real estate.

Cole Oliver: correct.

Jordin Chandler: my apologies.

Bob White: okay. all right.

Blaise Trettis: I have a few more questions. I don't know what county surplus real property is. I have no idea what that is. I mean, is that -- is it private property that people didn't pay

their taxes? I thought that went up for bid. I just don't know what county surplus real property is. I would like to know that. and I would like to know whatever it is, how much is sold every year? How much money does it generate, and where does the money go when it is sold?

Jordin Chandler: Correct. There is currently some language in the Florida state statute out 125.379, I think. The reason I wanted to leave that language open is because the county would have to deem what is appropriate. And to my understanding, Mr. Gougelman there is no clear delineation of what appropriate means. and so, then the county would have to look at the registry that they have. For example, there are some properties that are, you know, wet lands and then look at those properties and then they would have to carve from that, what properties are appropriate for workforce affordable housing.

Mike Haridopolos: Mr. Luebker.

Vic Luebker: Maybe you can tighten that up and add some clarity for all of us. I was thinking excess property like typewriters and trucks.

Jordin Chandler: No.

Vic Luebker: Maybe think about that, and this is just a thought for you as you go forward with this. Mr. Fisher brought up I think a good idea at the last meeting that potentially a lease back option, If you went with a PPP option, you know, public, personal -- public, private proposal, something like that, the county could lease that back. I am just saying that as you think about developing this a little bit. does that make sense?

Jordin Chandler: yeah.

Blaise Trettis: the proposal says this is funded by the funds from the sale of the county of surplus real property, and not that housing is built on real property. So, I get back to my question, how much funds yearly are obtained from the result of the sale of county surplus real property?

Jordin Chandler: That number is to be undetermined at this particular point in time. As I stated earlier, we were waiting on the information back because of the fact that there are 200 properties that's currently exist out there. It obviously has to go through an appraisal process and I don't have that number with me currently. I was asking the county for the actual taxable value of that property at this particular point in time. That is information I can bring back at the next meeting.

Blaise Trettis: Yea, if it is \$100,000 a year, then what is the point of doing this? I need to know the dollar amount. This does have a -- this proposal unlike your previous one does have a dedicated source of funding. I just don't know how much that would be and I think that's critical to know.

Mike Haridopolos: Mr. Jenkins?

Tom Jenkins: There are little lots around Canaveral Groves, Port St. John and I am sure Palm Bay and other place that's the developer left vacant. It could be part of the overall development permitting process, but they are sitting empty. However, when you look at

surplus property that is owned by the solid waste department or the utilities department, parks referendum, those kinds of things, they retain ownership of those properties and those dollars have to go back to the entity that generated them whether it be garbage, waste water, whatever. But there are sporadic lots, and there are not that many and they are usually small pieces of property.

Mike Haridopolos: Ms. Schmitt

Sue Schmitt: and I believe this would only affect the unincorporated area. It would not be all 16 cities at that point which then poses another problem. only the unincorporated area would be affected which would increase the amount of money at that point, and I don't mean for extra lots, but the cost of the program itself. I

Mike Haridopolos: I think to your point I would just like that the team was able to do for us on that one time a year manage, 09, 55 and they can give you in years past how many surplus lands generated for the county or get a ballpark. Our goal is to fund maybe a small amount. maybe it is not the best funding source, but maybe staff can help us figure out for the community members, the proposal just so we have a ballpark number, and we can get a source to your goal. other questions? Mr. Trettis.

Blaise Trettis: This is a suggestion to what you just said to county staff. If it's true that sale of surplus properties has to go back to parks and recreation or solid waste disposal and it is not available, then I don't think it should be part of the dollar amount. That cannot fund this proposal, and I am taking that as a fact that that's true.

Mike Haridopolos: Mr. Jenkins?

Tom Jenkins: I certainly don't want to downplay the importance of the affordable housing issue in Brevard because it is becoming a very critical issue. However, I am not aware of any other fund sources that are in the charter. historically funds are done legislative as opposed to charter. I would just put that on the table. I agree there is an issue, but I don't know if the charter is in place to solve that issue.

Mike Haridopolos: Okay. we have a few appearance cards. I know we still have to go to proposed number eight. we have Michelle Auclair, followed by Chris Stagman, followed by Betsy Farmer. Welcome back.

Michelle Auclair: Good afternoon. I work for Volunteers of America, Florida. We are the largest homeless Veterans program in the state of Florida. We house up to 80 homeless veterans at any time in our place in Cocoa. I wanted to go over some data. We serve outside of veterans, but I have -- over the last five years we have decreased our veteran homelessness pretty significantly. But over the last three years we have maintained 165 on our by name list. These are ones that have been identified. Of those 165 as of today, 69 of them are considered long-term or chronically homeless. As of the last 90 days, we have only been able to house 23 homeless veterans because of the lack of affordable housing. Not all are 100% service connected, get \$3,000 a month. They come out of the service. They have their own issues they are dealing with, and then we are getting them back in the workforce. Well if they are only making \$15, \$20 an hour, they can't afford a one-bedroom apartment for \$1,000 a month. Even a room to rent now is \$700, \$800. it is

a stretch. The average length of a homeless veteran from when we identify them to house them is 366 days. That's how long it's taking us to not only get them ready for housing, but then to find housing. I have some that I have been looking for over six months for just a one-bedroom place for them that they can afford. So, that says a whole lot right there. On top of that over the last 90 days, yes, we housed 23, but we now have 28 new veteran that's are coming into the system. We are not getting ahead when it comes to moving people from homelessness to housing, and a lot of it has to do with the lack of affordable housing. and I am not saying low income. I am just saying regular workforce, affordable housing. I have a single dad with two kids, eight-year veteran, and we can't find him an apartment for what he can afford on what he makes. It just makes it difficult. I am here to advocate on that part. Volunteers of America has served 1500 veterans in the last year. we are still struggling daily to find housing. We have gotten to the place where we are having to find housing and put three or four veterans in housing. Guess what? If you have three or four veterans with PTSD or traumatic brain injuries or alcohol or mental health problems, that doesn't work. I just want y'all to really consider this for the sake of our veterans. Thank you.

Mike Haridopolos: Are there questions? Thank you for making the time to visit. Thank you for the work you do. Chris Stagman. Hi, Chris, good to see you, man.

Chris Stagman: Good to see you. Chris Stagman, South Brevard Sharing Center. I want to thank the commission for bringing it up. Mr. Jenkins says Mr. Chandler has put the proposal forward, and it's tough out there. I will give you statistics. We received 410 calls for assistance for June. a 27% increase from May and it keeps coming. These are not chronically homeless folks. these are blue collar working families and working to make ends meet that need help, whether it is through the food pantry and whether it is for rental assistance, help with bills, so on and so on. It is going to keep coming and coming. I get the fund is new, it is a work in progress, but it is important. If you can take the time to look at it and look at the numbers and put something forward so it is a priority in our community. All of us on the not for profit levels, there are angels out here. We are getting hammered. I mean, hammered. The fact that you are looking at it and taking the time, I applaud you for it. Thank you.

Mike Haridopolos: What was it like when you had 400 applications last month. What is the typical award you give to a family or individual to try to help them out in these times of trouble?

Chris Stagman: It depends. We use a sliding scale like most agencies do. The food is big. I mean, our pantry is pretty empty. We will be running food drives all fall. We get in and it goes. A lot of rental assistance for utilities and the cost of rent has gone up 20%. Food has gone up 10% in the last month. To us there doesn't seem to be an end in sight.

Mike Haridopolos: Good to see you. Next, we have Betsy Farmer followed by Robert Burns. great to see you. welcome back.

Betsy Farmer: Thank you for this opportunity, and for the first time ever in almost 37 years because Luke is 36 and a half, I am not here to advocate for just people with disabilities. go figure, right? I am here to talk to you about the seniors. I work now -- I am the director

of community out-reach for the Housing Authority in Brevard County. Every single day I get calls from folks that are looking for housing and can't afford the housing, right? I am getting calls -- I bet I get one to two a week from a senior without a voucher and they are calling me because they are homeless or they are about to be homeless. This is really getting my heart. Not that the single moms and dads don't have my heart, but we have seniors living in cars. We have not done a good job gathering all of the data on them. We try to send them to 2-1-1, but sometimes they don't want to call 2-1-1. Some of the folks that I have talked to, like helping seniors in Brevard, they have 100 calls from seniors and 22 were homeless. Some were sleeping in their cars, seniors. Where are their kids? I don't know. You tell me. Sometimes they just take off. One senior place has gotten over 200 calls. We as the housing authority are targeting our housing for elderly and disabled. We have just recently finished the construction on 60 units. We only have 60 units. We have 257 people apply. It doesn't seem like people talk much about the seniors. I am here to say that our seniors are in a crisis mode right now. I spoke with a guy yesterday and he was 69 years old. There is no more emergency housing money for him to live in a hotel. He is going to be in his car until the money is replenished. We don't have enough shelters. I am just so glad we are talking about this. I do love the title, workforce housing because that is important, but I am here for the seniors because we have to do something about that. It is just not right, and I just -- I only have one extra bedroom at my house. maybe I should buy a bigger house and I can take them all home with me. I am really glad. The other group I am working with is Ready for Life. it is youth aging out of foster care and other homeless youth. We have 23 that are homeless and we are trying to find homes for.

Mike Haridopolos: Is it a sliding scale as well in this situation? the 60 people you just placed, is that a sliding scale, most in need? how does that work?

Betsy Farmer: It is a complex that the housing authority built and it is project-based vouchers. Each individual pays 30% of what their income is toward the housing. I think the average income is about \$19,000. the housing authority

Mike Haridopolos: And is there a limited time they can stay in the facility.

Betsy Farmer: Forever. and it is gorgeous. you should see it. It looks like a hotel. I am so excited. They just go the co today and I will get videos of them walking into you are that new apartment. You don't know how some of these seniors have been living, and it breaks my heart. As a senior, it shouldn't be this way. It just shouldn't. I don't know what the answer is. Usually I come to you with an issue and a solution. I don't really have a solution, but I am glad we are talking about it and I am seeing heads nod at this meeting which is really good. It makes me happy that we are going to continue this dialogue.

Mike Haridopolos: Thank you very much for coming.

Betsy Farmer: any questions? come on. come on, Bob, lay it on me.

Bob White: This is just a general question for you and all of the other providers that have either already spoken. Is private philanthropy up, down, stagnant?

Betsy Farmer: as far as the housing authority goes, I can't speak to that. Drew is here, The folks from VOA, I don't know where they are with private philanthropy.

Bob White it's down. I am not surprised. significantly? >> yes. >>

Betsy Farmer: And again, this affects a roof over your head. if you are a single mom and kids, how can you have a good home for them if you don't have a roof over your head. If you are a senior, oh my gosh. I don't know. We have to keep talking about it and figure out a solution. pinky swear? I

Dave Neuman: I want to piggyback off his question as a former Director of Development. are there funding sources currently at the county or state level that you guys aren't currently tapping into either with or for the other groups?

Betsy Farmer: there is a housing finance corporation that do the tax credits.

Dave Neuman: I was looking like at Melbourne for example, they only have tax credits. are any giving funding sources like grants as well, or is that not as much of an option trying to build affordable housing?

Unknown: We work with the city with Palm Bay to identify property and they give to us and we can use as leverage. and there are other grant sources, but what it really takes is the community coming together saying this is a priority for us. I don't think that comes from the Florida housing finance corporation or anyone outside [inaudible] saying let's do that.

Dave Neuman: for sure. and I agree. again, I have written lots of grants. I am trying to make sure on a county level, do we have anything that is currently doing that that could enhance this. I wanted to see what you are currently getting from a county level and then what this could add to that.

Betsy Farmer: I didn't say that out loud.

Tom Jenkins: This problem varies from county to county. Brevard is really feeling it now, I think, because the value of our existing real estate has gone up so much that it is even more difficult in Brevard than some rural areas of Florida. My question is there is a county/city-wide coalition that is looking at the whole affordable housing issue? There are all kinds of options that are out there, and there is a wide list of possibilities. I am just wondering is anybody looking at it?

Jim Liesenfelt: Ian Golden is the Director of Housing and Human Services and he can answer that better than I can, but there are committees out there in partnerships. There is an affordable housing council. There are a few like that.

Tom Jenkins: Are they putting together strategies?

Jim Liesenfelt: Yeah. the strategies are really tied to whatever fund they could control over whatever they could get.

Vic Luebker: And just to add to that because I know Mayor Alfrey has been working with Palm Bay another charity to tackle this too. I know there are collaborative efforts that are starting to emerge, but I think we are on the right track that they have to expand. It is happening on a lower level.

Betsy Farmer: We always talk about it is a summit of some kind.

Sue Schmitt: The Homeless Coalition that is made up of the different groups that work together at that point and state and federal grants are available. I think the biggest problem now we see is basically workforce. Like firefighters or law enforcement, plumbers, teachers. That seems to be the biggest problem at the moment. and I don't mean anything against this, but I don't know that this is the way to deal with that. I think there are ways to deal with it, but anyway. I will save that for the next time.

Mike Haridopolos: We have one more appearance card. Robert Burns.

Robert Burns: Thank you, Mr. Chair. I was just speaking out loud about this issue. I hear two things. I want to tackle the root cause of the affordable housing problem, but the issue I am hearing about the proposal specifically is the funding source. I think there is a way to address both. one of the root- causes we have in affordable housing problem. Affordable means the housing is too high that is driven by a lack of inventory. The inventory is being bought up, the single-family homes, by outside corporations and investors buying large -- there are some subdivisions in Brevard county you can't even buy the house. They are own for lease. Those are not bought by residents in Brevard county, but corporations. a lot of those single-family homes are concerted to short-term rental vehicles for agencies like Air B&B. I think if we try to mitigate some of the inventory being bought up by these corporations and these investors buying 10, 15 homes, decreasing the inventory that is driving up the cost, we will bring the affordable housing down we can bring a tax on the rentals and anyone with more than one Air B&B property to require them to have a county tax receipt and pay a bed tax like the hotels do, or maybe an additional tax on top of that. That can go toward funding the proposal on the table. This will help try to mitigate some of the inventory issues we are having by limiting what the large organizations can buy up from the people who actually live here ,which will kind of bring down the price. Then that tax they are skating on right now that the hotels are having to pay can go toward the funding, toward some of the affordable housing until the correction itself happens and then maybe we don't need this program after a while because the inventory starts to come back up. I am just brainstorming.

Mike Haridopolos: Thank you. we are not going to vote today, as we note. I think everyone has a lot of food forethought on this issue. Surely, we will get around to -- I am not sure what adjustments will be made, but whatever adjustments you would like to make on this issue, Mr. Chandler, put it to email like you did last time. That was helpful so thank you for your time on that. Let's get back to proposal number 8 on vacancies and suspensions. It is our last item as we move back on that. If you want to talk about it and see if there is any action on it.

### **Proposal 8- Vacancies**

Robert Burns: Thank you for giving me leeway with the order of the agenda. If you ever asked your wife where she wants to eat and she says you decide, it usually doesn't work well when you decide and then she gets upset. That's what is happening. The state asked us where we want to eat. They said you decide. We let the governor decide. He has decided that we are not going to eat right now. We are all hungry. The purpose of this proposal is to make sure that we get to decide where and when we eat. There are a couple of things that I wanted to address, Mr. Trettis brought up which is the verbiage and

language on runoff. I agree. I would change where I put the word election and then runoff, I would change to general election – I am sorry, primary election and then general election, if necessary. we don't need a general election. for example, right now for some of these seats we don't have a general election because there is just one party. a primary election and then a runoff are replaced with a general election if necessary. I know the staff was going to get back to us on the requirements that the supervisor of elections would need in order to have the time frame to have those elections and qualification periods. I am interested to hear what they came back with that. And again, I am amenable to whatever is necessary for the supervisor to do her job and the voters to decide who gets to represent them, and if it is not within the time frame that the supervisor can accommodate, a special election, then the process of appointing someone to fill the vacancy by the county commissioners. So, that's all I have.

Mike Haridopolos: Questions?

Blaise Trettis: Do we have that information from the supervisor of elections? How long it will take to do an election, or two elections?

Jim Liesenfelt: I am working with them right now on that. at this point we will enter the price and that was \$400 for a single district. 1.4 million County wide.

Blaise Trettis: I have a follow-up comment.

Mike Haridopolos: Sure.

Blaise Trettis: And that is, Mr. Burns, there is 120 -- if less than 120 days remain in the term, this appointment by the board of county commissioners, if you do some examples, it seems like a heck of a lot of effort, but it would end up with a stamp of approval from the existing politicians. [inaudible] for office which I am not in favor of. you look at the numbers and you say there is 60-days left in office, and we go through the appointment process which at the very least would take 21 days and probably more. You are talking about doing all of this for 39 days left. I know the county commission is in recess for an entire month anyway. I don't know. that part of your proposal to me is just -- I don't like it. I will tell you honestly, I don't like it.

Robert Burns: I understand. and I think it all comes down to the timeframe the vacancy occurs. Because right now on the county commission you are having an issue about the super majority vote. If there is an issue requiring a super majority vote, I think for someone to be sitting in that -- [no audio] to meet that super majority burden for four out of five votes. Right now, there are just four people and they don't know if it is a super majority or not, it would be an anonymous 4 out of 4 or 3 out of 4. your point is well taken about going through the brouhaha to fill a vacancy for a few days, but it is based on what is on the agenda and if it is the budget coming up, or whatever the case may be. I am not hard on any of those numbers whatsoever. I would be fine with moving it to one year. I think if in one year the vacancy -- if the term remaining is more than a year, then a special election or anything that needs to happen before that can be an appointment. There is more than enough time in a year's time frame to make that appointment. If there is more than a year,



that's plenty of time to put together the special election we will have without undo political influence.

Blaise Trettis: I would agree with you there, but that's the existing charter language. If it is less than a year it is a governor's appointment. if that's your position, your objection that the governor appoints?

Robert Burns: Correct. Right now, the Governor is not appointing. It is up to him whether he appoints or not. So, we are stuck for a year without the vacancy being filled. With this proposal we shall fill the vacancy and it shall be filled in the time frame of the vacancy occurring. Right now, it is whatever the governor decides.

Blaise Trettis: I will just point out I don't disagree with the Governor not appointing. The vacancy was April 1st for District 2, and that vacancy turns out will be filled, I think August 23rd. That's not very long. April, May, June, July -- that's not even five months under these circumstances. So, to go through all of this and all this expense when under this example of the term that is vacant now would be filled by the current process in less than five months seems like an expensive way to go about it. In defense of the Governor, I think he didn't appoint because this is an election year. I think he probably didn't want to give someone favoritism with his appointment, and I don't disagree under these circumstances. I will leave it at that. Thank you.

Robert Burns: and the reason I brought this forward is because we had this occur in the city of Palm Bay. There were 200 people that showed up demanding that the people's voice be heard. By pushing this off to the Governor, you're basically disenfranchising the voice of the people. They have no say whatsoever who is their representative. It is up to that person. It is up to that person if he puts them there or not. I haven't heard he will appoint somebody on August 23rd. I had a conversation with the county commissioner and they weren't aware of that.

Blaise Trettis: there is an election on August 23rd. Unknown: The primary.

Blaise Trettis: It will be on that.

Robert Burns: There is a nonpartisan candidate as well. So, that won't be until November. it will stay vacant until November. I thought you meant that there was somebody being appointed.

Matt Nye: Let's say that it was settled in the primary this time, that doesn't address future occurrences. I agree with the concept, absolutely. I like your logic. Is there a timeline that does work for you, like -- at all? I am asking for your legal.

Blaise Trettis: I think it depends on what the supervisor of elections says how long it takes to do elections. If it takes three months per election then you are talking six months minimum. And then to have this expense for less than six months to finish a term when there will be another regular election in addition to the special election, it is like election after election after election. To me it is important like how long does it take for the supervised elections to do an election.

Robert Burns: I hear you and all those things were argued in Palm Bay it was spoken about in palm bay. Over 95% of the people came and spoke no matter what the cost and no what the time, they want to vote. That was the purpose of me bringing the special election within a reasonable time frame. I am okay with a year. We know the Supervisor can do it in a year because that's what the current language says. I was trying to give the people as much voice as possible. We can walk it back to what it currently says. in that case if we put it back to the year, my other point is to make it that the appointment process be brought back to the county so at least the people here can apply to run for the county commission. You can apply and be vetted and have people speak on their behalf, but right now it can't happen. Right now, it is just up to the governor to decide whether he wants to appoint somebody or not and we don't know what that person's qualifications are, and if he does uh point someone, it is an endorsement, so if that person was to run for office, he was appointed by a Governor. That is a pretty convincing thing, as opposed to going through an appointment process where have you voting, per say.

Marie Rogerson: Two quick points. The Palm Bay issue is being brought up and it is important to clarify that much of the outrage and the voicing of opinions in Palm Bay was because they have a process and they discussed breaking the process and doing something that would have taken away a voice that had been given to the people. Even though it was a day. It is a silly situation, but a lot of that argument is due to that. The second for me, I disagree with the principal that the voice of the people is taken away. that appointment is a person the people uh elect. Sure, it is a step away, but it is not a removal of the voice of the people.

Robert Burns: I can appreciate that, but when we look at the government level of county all the way up to the governor, that's a big difference in the voice of the people. The majority of Brevard county, they would vote for our governor, so that would be the case, but what happens when the majority of Brevard county didn't vote for the governor? What if it was another person and only 30% of the people voted for him and he is appointing -- I understand what you are saying, only 30% of the people are being represented to make that appointment. I just think there is a cleaner way to do it at the lowest level.

Mike Haridopolos: Mr. Jenkins?

Tom Jenkins: Do you know the percentage of the voter turnout for the special election?

Robert Burns: For the special election in Palm Bay was it -- 13%.

Mike Haridopolos: Other questions?

Vic Luebker: It is really more of a comment. I think until we get the numbers back from staff on this we can see how the timeline would play out, we can what if this to death right now. So, ,can we wait until staff gives us a number from the Supervisor and we will know where we are at.

Robert Burns: I know the Supervisor is slammed with the redistricting and all of the other things going on. I don't know what her time frame of getting back to us is. That's why I said if it is becomes an issue conflict of our timing, I am fine with how it currently is and

adjusting how the appointment is made. But if we think the Supervisor will get back to us relatively shortly, I am okay with that as well.

Cole Oliver: Mr. Chair, if I may? You bring up a lot of good points and one is that this board should take it to heart that right now a board is directing by the word shall what the Governor will and won't do. I don't think we have that authority to force a Governor to do anything. We might want to consider replacing shall with may at a minimum. As it stands now we have something in here that has no effect as we have seen over the last four months, three months, whatever it has been.

Robert Burns: So, the vacancy is there and then we appointed a liaison, and now he has been elected to office. So, for the people of district 2, there is no office for those people to go to. They would have to call another county commissioner and I don't know what the case load is for other county commissioners or if their staff was tapped out. There is nothing for them which is not right.

Mike Haridopolos: So, we will take this up next time again with more information with the Supervisor of Elections and add it to the agenda for next time along with the affordable housing. Thank you for your time.

Robert Burns: thank you.

Mike Haridopolos: All right. I believe we reached the conclusion of our agenda for today. is there any unfinished business?

Vic Luebker: Mr. Chair, if I may, for the staff on the next agenda, I would like to pull my item.

Mike Haridopolos: I think that was number 18?

Vic Luebker: yeah.

Mike Haridopolos: any objection to removing that item on the recall? Seeing no objection, show that approved. And we have the ballot language that we will take up next time as well on proposal number 5 and others, correct?

Paul Gougelman: yes.

Mike Haridopolos: Okay. I don't think we have anything else. are there any other cards that have been turned in? with that, Mr. Nye moves we [inaudible]. >>

Jim Liesenfelt: I am sorry for interrupting. there are still staff at the district 2 office. You have the chief of staff there and an assistant there. It was mentioned there was no staff in the commission office, but there is staff in the commission office. Just wanted to make everyone aware of that. Thank you for the indulgence.

Mike Haridopolos: Thank you, and with that we rise.

**Adjournment: 5:30 pm.**

July 7, 2022

Brevard County Charter Review Commission  
c/o Melissa Brandt  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

Dear Commission Members:

By all indications, Brevard County is booming. But with each passing day, more and more of our long-term residents are facing homelessness due to increasing rent and housing costs. A portion of these residents are encumbered from increasing their income due to age or disability but even more are already employed in our local restaurants, health care facilities, schools, and hospitality-related businesses.

Stable housing is critical to Brevard's success - both for our businesses and for our residents. The 2022 Rental Market Study prepared by Shimberg Center for Housing Studies, identified 16,432 of all renter households are low-income and cost burdened renters. Residents are experiencing a 22% year-over-year increase in housing costs alone!

The private sector has had some small successes with the 110 unit Heritage Park apartments in Melbourne, developed by Carrfour, and the recently announced Housing for Homeless project in Cocoa which will include an additional 90 homes. A strong public-private partnership is needed in order to adequately address the need for workforce housing across Brevard County.


The Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund exemplifies support for the thousands of families who live and work on the Space Coast. The fund would establish a "tool" in the county's "toolbelt" to address ongoing workforce housing needs now and into the future. Without this intervention many residents, and the businesses where they work, face a grim future where their "home" is someplace other than Brevard.

We implore you to take the necessary steps to support workforce housing initiatives that benefit Brevard's business and continue the quality of life that allows each of us to call Brevard County our HOME.

Sincerely,

  
Name / Title / Organization

P. Paul Warren, Executive Director, Community of Hope

  
Name / Title / Organization

Pamela Guntlorpe, Interim Executive Director, South Brevard Spring Center, Inc.

Bob Gram Executive Director Housing for Homeless  
Name / Title / Organization

Jeffrey Njus, Executive Director of Daily Bread  
Name / Title / Organization

Chris Reed Director Brevard Public Schools  
Name / Title / Organization

Michael H. Bean, CEO, Housing Authority of Brevard County, Melbourne Housing Authority  
Name / Title / Organization

Colleen Cantin, Community Care Coordinator, CFCHS  
Name / Title / Organization

This is a small snapshot of the local housing leaders that support moving forward with establishing a functioning County Affordable Housing Trust Fund. Many others have expressed verbal support and would sign this letter if more time were available to attain signatures.



## Housing for Homeless, Inc.

"Providing a Doorway to a Brighter Future for Over 30 years"

4087 S. US 1 Suite #3, Rockledge, FL 32955

Phone: (321) 639-0166 Fax: (321) 639-0989

[www.housingforhomeless.org](http://www.housingforhomeless.org)

7/7/2022

### AFFORDABLE HOUSING

This letter is on behalf of the homeless and low income community of Brevard who are in desperate need of affordable housing

### THE NEED

Fact: Every three years, the Shimberg Center operating out of the University of Florida measure the gap between supply and demand for affordable housing in each Florida county. For all those earning below \$45,000 a year, the gap in 2019 was 7,659 homes! That means we needed 7659 more homes to meet the demand for affordable housing three years ago. Shimberg will be measuring again this year, so can you imagine what the gap will be now?

### THE CURRENT RESPONSE

And what is Brevard's response? Carrfour built 110 homes in Melbourne in 2021, and Housing for Homeless will build another 90 homes in Cocoa in 2023, so the private sector is answering the call, but where is the public sector? In the latest iteration of its five-year plan the County is committing in one year to build two (that is not a typo) units. Palm Bay has issued a \$5 million RFP for affordable housing. A laudable effort but how far will \$5 million take us? The 90-unit development of Housing for Homeless in 2023 will probably cost around \$28 million, so what is \$5 million going to build? Maybe another 20 units?

### THE CORRECT RESPONSE

Adding all these admirable efforts together gets us to 222 homes versus a need of at least 7,659, i.e. just 2.9% of the need, so the answer is not just individual projects, no matter how well-intentioned. So, what is being proposed to the Charter Commission is a process, a commitment that every year there will be in place a process supported by the County Commissioners that redirects funds from every available source to reach a minimum level of funding for affordable housing. The level of funding and the sources will vary from year to year depending on the County's economic situation and the willingness of the community and its leaders to really address the need for affordable housing.

### THE ALTERNATIVE

They say that the State of California represents the future for this country, so is that what we want for Brevard? Los Angeles' tent city along New Haven Avenue, or commuters being forced to drive up to 100 miles each way every day because now that's a near as they can afford to live to their job in San Francisco?

**THE ASK**

We are not asking for a one-time donation like most asks. We are first asking for a recognition that the need for affordable housing is not going to go away any time soon, maybe never. Our other ask is that the Commission responds to a continuous need by supporting a continuous solution put in place every year that is focused on addressing this challenge so that it comes part of "this is the way we do things in Brevard"

Tent cities or neighborhoods? It's your choice.

Yours truly,



**Rob Cramp**  
Executive Director



## MEMORANDUM

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

FROM: Paul Gougelman, General Counsel

SUBJECT: Proposal 19; Recall of County Officers

DATE: July 9, 2022

At the July 7<sup>th</sup> meeting of the Charter Review Commission (“CRC”), the CRC adopted Member Trettis’ Second Amended Proposal 19. This proposal relates to the recall of county officers, including the Sheriff, Tax Collector, Supervisor of Elections, Property Appraiser, and Clerk of Court, and also relates to the recall of School Board Members.

Commission Member Jenkins raised a question with regard to the use of the term “county officers” in the proposal language. He pointed to Article VIII, Section 1 of the Florida Constitution, adopted by the voters of Florida in November, 2018. Mr. Jenkins keen examination of this language relates to the use of the terms “constitutional officers” versus “county officers.”

Traditionally the positions of Sheriff, Tax Collector, Supervisor of Elections, Property Appraiser, and Clerk of Court have been referred to as “constitutional officers.”<sup>1</sup> Lead by Dr. P.T. “Bud” Fleuchaus, Volusia County adopted charter government in the early 1970s. As part of Volusia County’s efforts, that county’s new Charter attempted to alter the “constitutional” status of the officers referring to them as “directors.” Popular terminology since invoked refers to them as “county officers.” The move by Volusia County was to permit the transfer of powers of these officers through charter amendments.

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<sup>1</sup> Mr. Trettis has noted that School Board members have also been referred to as “constitutional officers or “county officers” as well. The Florida Supreme Court in In re Advisory Opinion to the Governor, 626 So. 2d 684, 689 (Fla. 1993), answered a request from the Governor for an advisory opinion stating that a school board member is a county officer for purposes of the Governor’s suspension authority under article IV, section 7(a) Florida Constitution. The Court reached this opinion even though the Constitution does not say that a school board member is a “county officer.” The Court made it clear that the term “county officer” in the Constitution applies to not only the [sheriff](#), a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court but also to county commissioners *and* school board members.

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Mr. Jenkins correctly noted the terminology in Brevard's Charter referring to these officers as "county officers." He also noted a 2018 Constitutional amendment substantially deleting the authority of the electorate to transfer the powers of the constitutional or county officers. Mr. Jenkins asked whether continued use of the term "county officers" in Section 5.2 of the Charter was the correct term, given the 2018 constitutional amendment.

At the July 7<sup>th</sup> meeting, I indicated that I did not believe it was a concern, but I would follow up with further examination of the answer. I continue to believe that use of the term "county officer" is not a concern, especially given the title of Article VIII, Section 1(d) of the Florida Constitution. However, based on the somewhat confusing language in the amendatory language in Article VIII, Section 6(g) submitted to the electorate, I think you will better understand Mr. Jenkins' concern.

The reason 2018 constitutional amendment language is as follows:

(g) **SELECTION AND DUTIES OF COUNTY OFFICERS.**

(1) Except as provided in this subsection, the amendment to Section 1 of this article, relating to the selection and duties of **county officers**, shall take effect January 5, 2021, but shall govern with respect to the qualifying for and the holding of the primary and general elections for **county constitutional officers** in 2020.

(2) For Miami-Dade County and Broward County, the amendment to Section 1 of this article, relating to the selection and duties of **county officers**, shall take effect January 7, 2025, but shall govern with respect to the qualifying for and the holding of the primary and general elections for **county constitutional officers** in 2024.

(emphasis supplied).

Revised Article VIII, Section 1(d) of the Constitution reads as follows:

(d) **COUNTY OFFICERS**. There shall be elected by the electors of each county, for terms of four years, a sheriff, a tax collector, a property appraiser, a supervisor of elections, and a clerk of the circuit court. Unless otherwise provided by special law approved by vote of the electors or pursuant to Article V, section 16, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds. Notwithstanding subsection 6(e) of this article, a county charter may not abolish the office of a sheriff, a tax collector, a property appraiser, a supervisor of elections, or a clerk of the circuit

court; transfer the duties of those officers to another officer or office; change the length of the four-year term of office; or establish any manner of selection other than by election by the electors of the county.

(emphasis supplied).

PRG/mb



**2021-2022**

## **CHARTER REVIEW COMMISSION AGENDA REPORT**

**MEETING DATE:** July 21, 2022

**AGENDA ITEM NUMBER:** Proposal 8 Amended 05-19-2022-Public Hearing 5

**SUBJECT:**

Section 2.7 Vacancies and Suspensions

**PETITIONER CONTACT:**

Robert Burns (407) 810-3200  
email: [rwburns3rd@gmail.com](mailto:rwburns3rd@gmail.com)

**REQUESTED ACTION:**

Proposal to amend Section 2.7 effectively removing Governor appointments for vacancies and replacing with a special election regardless of time remaining of vacant term

**SUMMARY EXPLANATION & BACKGROUND:**

The timely resignation by Bryan Lober has brought attention to the rare occasion of having to fill a vacancy on the County Commission. Because there is less than a year remaining in the term, the Charter calls for the vacancy to be filled by the Governor. The language in the Charter is faulty in that it states "shall" be filled by appointment of the Governor. The Brevard County Charter does not have the power to dictate what actions the Governor "shall" do. As has been acknowledged, it is the Governor's discretion of whether or not to fill a vacancy or let it remain vacant until the next scheduled election for the position. This practice leaves the citizens of the effected district without elected representation, and no guarantee to have any representation under these guidelines. To quote the Mayor of Palm Bay, Rob Medina when a similar situation presented itself in Palm Bay, "This is un-American."

When Palm Bay had a vacancy occur last year with the sudden resignation of Councilman Jeff Bailey, the Palm Bay City Council moved to appoint a member to fill the vacancy. The Palm Bay City Charter allows for Council to determine how a vacancy is

**Staff Contact:** Melissa Brandt  
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**2021-2022**

## **CHARTER REVIEW COMMISSION AGENDA REPORT**

### **SUMMARY EXPLANATION & BACKGROUND CONTINUED:**

filled by ordinance. When the majority of the remaining council voted to appoint a member, there was much backlash from hundreds of members in the county demanding a special election in-leu-of an appointment. Arguments were made by hundreds of individuals during public comment as well as by elected officials calling it voter supression, stripping away the constitutional right to vote, corrupt, etc. The lobbying by the community proved effective and the decision was reversed allowing for a special election to fill the seat. Those outcires are notably silent now.

Those strong arguments apply to the County as well. The arguments may even be stronger in that unlike Palm Bay, Commissioners are single member distrctits while Palm Bay Councilmen are at-large. The citizens of District 2 no longer have a Commissioner representing them that they had the right to vote for. As decisions directly impacting them are being voted on such as taxes, it can be argued they now have taxation without representation due to no fault of their own.

The citizens of each district should have the right to choose who represents them, otheriwise we no longer have a democratic process but a political one. The Governor not being a resident of Brevard must rely on the input of other elected officials and advisors in order to make an appointment to the office should he even chose to do so. This process severely lacks transparency, does not allow for citizens to take place in the process, and allows for the perception political favors, special treatments, or inpropriety, etc.

Our Nation was founded on the premise that the people choose who represent them, not dictated who will represent them.

I propose that Section 2.7 be amended to remove the Governor appointment clause and state that any vacancy will be filled by special election if there are at least 90 days remaining in the term to allow for an election to occur. If less than 90 days, then qualified individuals can apply to be appointed to the Commission by the remaining Commissioners in the same ranking system as a County Board. If an appointment must occur, then at least it will come from those who have expressed the interest to serve, and voted on by actual elected officials of the community.

## Section 2.7 Vacancies and Suspensions

A vacancy in the office of County Commissioner arising from the death, resignation or removal of such official shall, ~~if one year or less remains in the term of office, be filled by appointment of the Governor~~ unless otherwise required by the State Constitution or general law, be filled by a special election; provided, a vacancy created by recall shall be filled as provided in Section 5.2 of this Charter. ~~Unless otherwise required by the State Constitution or general law, if more than one year remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by a special election.~~ The Board of County Commissioners, after first consulting with the Supervisor of Elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and between the election and any runoff election. Such special elections shall otherwise be governed by the applicable provisions of general law. If less than one hundred twenty (120) days remains in the term of office at the time the vacancy occurs, the vacancy shall be filled by appointment of the Board of County Commissioners.

*Appointment process: The county commissioners shall advertise for interested applicants that qualify for the requirements of the vacant office. The applications must be submitted within 2 weeks of the advertisement of the vacancy. A Special Commission meeting shall be scheduled to occur 1 week following the application deadline. Applicants and members of the public shall be permitted to comment during the public comment portion of the appointment agenda item of the Special Meeting. Each commissioner will review the applicants and score them from one to ten. Staff will tabulate the ranking scores of the applicants and fill the vacancy with the applicant receiving the highest total number ranking. In the event of multiple applicants receiving the*



**2021-2022**

## **CHARTER REVIEW COMMISSION AGENDA REPORT**

**MEETING DATE:** July 21, 2022

**AGENDA ITEM NUMBER:** Proposal 17 Public Hearing 4

**SUBJECT:**

Amending Section 2.4 - Term Limits for County Commissioners

**PETITIONER CONTACT:**

Nicolas Tomboulides: 646-704-2466

NTomboulides@termlimits.com

**REQUESTED ACTION:**

Establishing a lifetime 2-term limit for county commissioners with no possibility of reentry. Amend the Brevard County Charter, Section 2.4, by striking the word "consecutive" from the final sentence of Section 2.4.

**SUMMARY EXPLANATION & BACKGROUND:**

Section 2.4 is amended as follows:

Section 2.4 Terms of Office

Each Commissioner shall be elected and serve for four (4) years, beginning on the second Tuesday after election, and continuing after such term until a successor is elected and qualified. The terms shall be staggered as presently provided by general law. No county commissioner shall serve more than two (2) ~~consecutive~~ terms. (Amd. 11-3-98; 11-7-00)

This amendment strengthens the current two-term limit for county commissioners by creating a limit on lifetime service as opposed to a limit on consecutive service. Under current law, formerly term-limited county commissioners may return to the commission after sitting out one term. This amendment would eliminate that loophole, creating a term limit much more consistent with citizens' intent to preclude political careerism.

**Staff Contact:**

Melissa Brandt

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**PROPOSAL TO AMEND THE BREVARD COUNTY CHARTER TO ESTABLISH A TRUST FUND THAT WILL CREATE AND SUSTAIN WORKFORCE HOUSING AND SUPPORTIVE HOUSING FOR VULNERABLE FAMILIES.**

Jordin Chandler, a member of the 2021–2022 Brevard County Charter Review Commission, proposes that the following underlined words be added to a new section (section 1.9) under Article 1 of the Brevard County Charter:

**Sec. 1.9. – Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund.**

(A) *Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund established.* The Brevard County Workforce Housing and Supportive Housing for Vulnerable Families Trust Fund ("Trust Fund") is hereby established.

~~(1) — See Sec. 62-6301. **Definitions.** Of the Brevard County Code of Ordinances pertaining to the definitions for Workforce and Affordable Housing.~~

~~(2) — *Supportive housing is a combination of affordable housing and supportive services designed to help stabilize people who face complex challenges. Supportive housing has historically been offered to chronically homeless individuals through the homeless system and is recognized as a cost-effective and empirically based solution for long-term homelessness. Supportive housing models can look as different as the communities in which they are located. However, all supportive housing includes affordable housing, individualized, tenant-centered services, and property and housing management.*~~

~~(B) *Purposes of Trust Fund.* The purpose of the Trust Fund is to provide a continuing, non-lapsing fund for the Brevard County Commission to use to address the need for affordable housing within Brevard County. The Trust Fund will **shall** be used to create and sustain affordable housing throughout Brevard County for renters and homeowners, and to increase workforce housing opportunities. The section is intended to comply with F.S. ch. 163 generally and specifically F.S. § 163.3177(6)(f), F.S. ch. 420 generally and specifically F.S. § 420.907, and F.S. ch. 125 and specifically F.S. § 125.379.~~

~~(C) *Revenue sources.* The Trust Fund established under this section shall be funded as directed by the County Commission, and may be comprised of the following sources:~~

~~(1) — Brevard County General Revenue appropriated to the Trust Fund by~~

- ~~the County Commission as part of the annual budget;~~
- ~~(2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;~~
  - ~~(3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;~~
  - ~~(4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to the development policies established by ordinance; and,~~
  - (1) Funds from the sale of County surplus real property; and,
  - (2) Other sources as established by ordinance.

~~(D) Continuing Nature of Trust Fund. Unless otherwise provided by ordinance or required by applicable law, unspent portions of the Trust Fund established under this Section, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund:~~

- ~~(1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;~~
- ~~(2) Do not revert to the general revenues of the County, and~~
- ~~(3) Any appropriations do not lapse.~~

~~(E) Administration and Oversight of Trust Fund. The Trust Fund shall be administered, appropriated, and expended by the County Commission in a manner consistent with the purposes of the Trust Fund as set forth in this section. The Trust Fund shall be administered in a manner that allows the Trust Fund to leverage other sources of public funds and private investment. The Trust Fund shall be included in the annual audit.~~

~~(1) Dispersion of funds. The board of county commissioners shall establish and adopt written policies and procedures within the housing and human services department for the dispersion of such trust funds and residential density equivalent units. The criteria shall include a priority based ranking system, similar to the state housing finance corporation format, to determine priority for the awarding of funds or density equivalent units to applicants.~~

~~Example: Proposals having more than the minimum percentage of units serving lower income residents shall receive a higher priority ranking.~~

~~(2) Application. Any applicant seeking to secure such funds or residential density equivalent units shall submit an application to the housing and human services department.~~

~~(3) Trust fund and unit dispersion. Dispersion of funds and, or, density~~



~~equivalent units shall be limited by fund availability and shall be in accordance with the written policies and procedures established by the board of county commissioners for the use of such funds. Dispersion of residential unit density, by the transfer of development rights, shall be consistent with the transfer of development rights for affordable units section of the code and the county comprehensive plan.~~

~~Developments seeking the use of housing trust funds or density equivalent units should be located in areas serviced by existing transportation and utilities infrastructure and located near other public facilities, services, employment centers, shopping, active mass transit corridors, daycare centers, schools, and health services. A location evaluation matrix and needs analysis form, authorized by the BOCC as a part of these regulations, shall be completed and submitted to determine consistency with the location criteria. Developments scoring at or above the minimum 66th percentile will be eligible to receive housing trust funds and density equivalents. A complete application will include a completed location evaluation matrix and needs analysis form that meets the minimum scoring requirement at or above the 66th percentile. A higher ranking score may be used to determine the awarding of additional funds when available.~~

~~(4) *Trust fund affordability agreement.* The applicant shall enter into a land use and deed restriction affordability agreement with the county. The agreement shall provide the number and designation level of affordable units, and period of time as affordable, and any other requirements in order to receive housing trust fund monies or units consistent with the written policies and procedures established by the board of county commissioners. A land trust may be used as a mechanism to retain units as affordable and/or special needs units.~~

~~(5) *Trust fund discretionary allocation.* Allocation of these funds and units are discretionary and must compete with all other developments and are based on fund and unit availability. Priority shall be given to developments designed to facilitate pedestrian access to transit and neighborhood commercial nodes that score above the 66th percentile on the completed location evaluation matrix and needs analysis forms.~~

~~(F) *Implementation by Ordinance.* No later than July 1, 2023, the County Commission shall adopt one or more ordinances implementing the provisions of this section, and/or strictly enforce existing ordinances (such as those located at **in** Chapter 62, Article XVII), which ordinances may be amended from time to time by the County Commission consistent with the provisions of this section.~~

## 2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

#	Author	Submission Date	Introduction Date	Description	Meeting Dates
1	Blaise Trettis	1/03/2022	1/06/2022	2.9.3.1 Charter Cap Vote to Reject 8-6 Removed 06-23-2022	2/17/2022 3/24/2022 4/21/2022 ** 5/12/2022 ** 06/23/2022 **
2	Blaise Trettis	2/03/2022	2/17/2022	Amended Proposal- School Board Member Recall Election Vote to Reject 6-5 Removed 05/12/2022	3/24/2022 4/21/2022 ** 5/12/2022 **
3	Sandra Sullivan	2/16/2022	2/17/2022	Full Time County Commissioner Vote to Reject 15-0 Removed 04/21/2022	3/24/2022 4/21/2022 **
4	Sandra Sullivan	2/17/2022	2/17/2022	2.9.10 Citizen Process Vote to Reject 14-1 Removed 04/21/2022	3/24/2022 4/21/2022 **
5	Blaise Trettis	2/25/2022 Amended 6/21/2022- Ballot Language Approved Amended 7/07/2022	3/24/2022	Repeal Three Panel Attorney Review Vote Passes 14-0 Vote Passed 6/23/2022 Ballot Summary Language Presented and Amended 7/07/2022 Language and Ballot Summary 7/21/2022	3/24/2022 4/21/2022 ** 5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 **
6	Michael Myjak	3/22/2022 Amended 6/06/2022	3/24/2022	Right to Clean Water Vote to Reject 10-4 Removed 6/23/2022	3/24/2022 4/21/2022 ** 5/12/2022 ** 6/23/2022 **
7	Blaise Trettis	3/23/2022	3/24/2022	Repeal Article 8 & Section 8.1 Vote to Reject 13-1 Removed 6/23/2022	3/24/2022 4/21/2022 ** 5/12/2022 ** 6/23/2022 **

## 2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

#	Author	Submission Date	Introduction Date	Description	Meeting Dates
8	Robert Burns	4/06/2022 Amendment 5/20/2022	4/21/2022	2.7 Vacancies and Suspensions Tabled 6/23/2022 Tabled 7/7/2022	4/21/2022 ** 5/12/2022 ** 6/23/2022 ** 7/7/2022 ** 7/21/2022 **
9	Robin Fisher	4/20/2022	4/21/2022	2.4 Term of Office Vote to Reject 6-5 Removed 5/12/2022	4/21/2022 ** 5/12/2022 **
10	Marie Rogerson	4/21/2022 Ballot Summary Language 7/21/2022	5/12/2022	7.3.3 Supermajority for passage of Charter Amendments Vote to Approve 7/7/2022 13-0	5/12/2022 ** 6/23/2022 ** 7/7/2022 ** 7/21/2022 **
11	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Article 1, Creation, Powers and Ordinance of Home Rule Charter Vote to Reject 11-0 Removed 5/12/2022	5/12/2022**
12	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Amend Article II Legislative Branch Vote to Reject 11-0 Removed 5/12/2022	5/12/2022**
13	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Article III -Executive Branch Vote to Reject 11-0 Removed 5/12/2022	5/12/2022**
14	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Section 5.2 Recall Vote to Reject 10-1 Removed 5/12/2022	5/12/2022**
15	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Section 7.4 Charter Review Vote to Reject 7-4 Removed 5/12/2022	05/12/2022**
16	Dontavious "Tay" Smith	04/27/2022	05/12/2022	Non- Partisan Election Vote to Reject 8-3 Removed 5/12/2022	5/12/2022**
17	Nicolas Tomboulides	04/28/2022	05/12/2022	Amend Section 2.4- Term Limits for County Commissioners Tabled 7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/23/2022 **

## 2021-2022 BREVARD COUNTY CHARTER REVIEW COMMISSION PROPOSAL LISTING

#	Author	Submission Date	Introduction Date	Description	Meeting Dates
18	Victor Luebker	04/28/2022	05/12/2022	Amend Section 5.2- Recall Tabled 6/23/2022 Removed by Proponent 7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 **
19	Blaise Trettis	04/29/2022 Amended 5/19/2022 Ballot Summary Language 7/21/2022	05/12/2022	Amend Section 5.2 Scrivener Error Voted to Approve 13-0 7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 **
20	Gabriel Jacobs Kierstein	04/29/2022 Amended 5/02/2022 Amended 6/30/2022	05/12/2022	Amend Article 7.4.1- Addition of subsection 3 Voted to Approve w/amended language 7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 **
21	Matt Nye	05/02/2022	05/12/2022	Amend Article 8 by adding Section 8.2 Removed by Proponent 6/23/2022	5/12/2022 ** 6/23/2022 **
22	Matt Nye	5/02/2022	5/12/2022	Revise Citizen Advisory Process Vote to Rejec 2-11 Removedv7/07/2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 **
23	Matt Nye	05/02/2022	05/12/2022	Amend Article 8 Section 8.1 Withdrawn by Proponent 6/23/2022	5/12/2022 ** 6/23/2022 **
24	Jordin Chandler	05/02/2022 Amendment 7/07/2022	05/12/2022	Add New Section 1.9 to Article 1-Establish Workforce Housing Trust Fund Tabled 7-07-2022 for 7-21-2022	5/12/2022 ** 6/23/2022 ** 7/07/2022 ** 7/21/2022 **

\*\* Denotes Public Hearing Announced

**Denotes Proposal Approved Waiting on Ballot Summary Language**

**Denotes Removed from Consideration by Commission**

**Denotes 3 Public Hearings- has been tabled- no**

**2021-2022 Brevard County Charter Review  
Record of Vote**

(CRC:2021-2022 – Proposal 03- Full Time

Commissioner) Motion by: Vic Luebker to Strike Proposal 3 from Consideration

Second by: Robin Fisher

All those in favor of striking Proposal 3- Yes/All opposed to striking proposal 3 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	y
Haridopolos	District 2	y	Oliver	District 4	y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	y	Schmitt	District 4	y
Luebker	District 5	y	Trettis	District 2	y
Moore	District 1	Y	White	District 3	y
Neuman	District 5	Y			

Motion to Strike Proposal 3 Passed 15-0 on 04/21/2022

Motion to Approve Proposal

Unanimous Vote to Strike Proposal 3

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

**2021-2022 Brevard County Charter Review**  
**Record of Vote**

(CRC:2021-2022 – Proposal 04- Revise Citizen Process) Motion by: Vic

Luebker to Strike Proposal 4 from Consideration

Second by: Robin Fisher

All those in favor of striking Proposal 4- Yes/All opposed to striking proposal 4 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	N
Haridopolos	District 2	y	Oliver	District 4	y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	y	Schmitt	District 4	y
Luebker	District 5	y	Trettis	District 2	y
Moore	District 1	Y	White	District 3	y
Neuman	District 5	Y			

Motion to Strike Proposal 4 Passed 14-1 on 04/21/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

**2021-2022 Brevard County Charter Review  
Record of Vote**

(CRC:2021-2022 – Proposal 02- Recall Election of School Board Members)

Motion by: Kendall Moore to Strike Proposal 2 from Consideration

Second by: Robin Fisher

All those in favor of striking Proposal 2- Yes/All opposed to striking proposal 2 say No

Chandler	District 5	Y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	N
Haridopolos	District 2	N	Oliver	District 4	Y
Jacobs-Kierstein	District 3	N	Rogerson	District 2	N
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	N
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Original Motion Made by Sue Schmitt to Amend Proposal 2 by Striking Mr. Trettis language and inserting Florida Law. Mr. Trettis did not want proposal Amended, Sue Schmitt withdrew Motion.

Motion to Strike Proposal 2 Passed 6-5 on 05/12/2022

Motion

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 – Proposal 07- Repeal Article 8 and Section 8.1)

Motion by: Kendall Moore to Strike Proposal 7 from Consideration

Second by: Sue Schmitt

All those in favor of striking Proposal 7- Yes/All opposed to striking proposal 7 say No

Chandler	District 5	N	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	N
Haridopolos	District 2	N	Oliver	District 4	N
Jacobs-Kierstein	District 3	N	Rogerson	District 2	N
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	N
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal Passed on

Motion to Strike Proposal 7 Failed on 05/12/2022 4-7

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022



**2021-2022 Brevard County Charter Review  
Record of Vote**

(CRC:2021-2022 - Proposal 09- Term Limits)

Motion by: Matt Nye to Strike Proposal 9 from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 9- Yes/All opposed to striking proposal 9 say No

Chandler	District 5	y	Newell	District 1	N
Fisher	District 1	N	Nye	District 3	y
Haridopolos	District 2	y	Oliver	District 4	N
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	N
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	N	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 9- Term Limits Passed 6-5 on

05/12/2022 Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

**2021-2022 Brevard County Charter Review**  
**Record of Vote**

(CRC:2021-2022 – Proposal 11- Article 1, Creation, Powers and Ordinance

Motion by: Sue Schmitt to Strike Proposal 11 from Consideration

Second by: Marie Rogerson

All those in favor of striking Proposal 11- Yes/All opposed to striking proposal 11 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	y
Haridopolos	District 2	y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 11- Article 1-{Change Name of Brevard County} Passed 11-0 on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

**2021-2022 Brevard County Charter Review  
Record of Vote**

(CRC:2021-2022 – Proposal 12- Amend Article II Legislative Branch)

Motion by: Sue Schmitt to Strike Proposal 12 from Consideration

Second by: Matt Nye

All those in favor of striking Proposal 12- Yes/All opposed to striking proposal 12 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	y
Haridopolos	District 2	y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 12- Amend Article II-{Legislative Branch} Passed 11-0

on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

<p><b>2021-2022 Brevard County Charter Review</b></p> <p><b>Record of Vote</b></p>
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(CRC:2021-2022 – Proposal 13- Article III Executive Branch) Motion by:

Sue Schmitt to Strike Proposal 13 from Consideration

Second by: Matt Nye

All those in favor of striking Proposal 13- Yes/All opposed to striking proposal 13 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	y
Haridopolos	District 2	y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 13- (Amend Article II-{Executive Branch} ) Passed 11-0  
on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 – Proposal 14- Section 5.2 Recall)

Motion by: Sue Schmitt to Strike Proposal 14 from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 14- Yes/All opposed to striking proposal 14 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	N
Haridopolos	District 2	y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 14- (Section 5.2 Recall) Passed 10-1 on 05/12/2022

Motion to Approve Proposal

Matt Nye Voting No

Brevard County Charter Review Commission

ATTEST:



Melissa Brandt, Secretary, Charter Review Commission 2021-2022

**2021-2022 Brevard County Charter Review  
Record of Vote**

(CRC:2021-2022 – Proposal 15- Section 7.4)

Motion by: Sue Schmitt to Strike Proposal 15 Section 7.4 Charter Review Commission from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 15- Yes/All opposed to striking proposal 15 say No

Chandler	District 5	y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	N
Haridopolos	District 2	N	Oliver	District 4	Y
Jacobs-Kierstein	District 3	N	Rogerson	District 2	Y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	Y
Moore	District 1	N	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 15-(Section 7.4 Charter Review Commission )Passed 7-4 on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST:

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 – Proposal16- Non -Partisan Election)

Motion by: Matt Nye to Strike Proposal 16 from Consideration

Second by: Blaise Trettis

All those in favor of striking Proposal 16- Yes/All opposed to striking proposal 16 say No


Chandler	District 5	N	Newell	District 1	Y
Fisher	District 1	N	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	Y	Rogerson	District 2	Y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Absent	Trettis	District 2	Y
Moore	District 1	N	White	District 3	Absent
Neuman	District 5	Absent			

Motion to Strike Proposal 16- {Non-Partisan Election} Passed 8-3 on 05/12/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST:



Melissa Brandt, Secretary, Charter Review Commission 2021-2022

**2021-2022 Brevard County Charter Review**  
**Record of Vote**

(CRC:2021-2022 – Proposal 1- Charter Cap)

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 06-23-2022 to vote

Second by:

All those in favor of Proposal 1- Yes/All opposed to proposal 1 say No

Chandler	District 5	N	Newell	District 1	N
Fisher	District 1	N	Nye	District 3	y
Haridopolos	District 2	Y	Oliver	District 4	N
Jacobs-Kierstein	District 3	y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	N
Luebker	District 5	N	Trettis	District 2	y
Moore	District 1	N	White	District 3	Y
Neuman	District 5	N			

Motion to Strike Proposal 1- Charter Cap      Passed 8-6 on 06/23/2022

Motion to Approve Proposal 1

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date



# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 Amended Proposal 5 Three Attorney Review Panel)

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 06-23-2022 to vote.

Second by:

All those in favor of Proposal 5- Yes/All opposed to proposal 5 say No

Chandler	District 5	Y	Newell	District 1	Y
Fisher	District 1	Y	Nye	District 3	y
Haridopolos	District 2	Y	Oliver	District 4	Y
Gabriel Jacobs-Kierstein	District 3	Y	Rogerson	District 2	y
Jenkins	District 4	Absent	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Approve Proposal 5- Amendment to 7.4.1-Three Attorney Review Panel

**Passed Unanimous 14-0**

Motion to Strike Proposal

Brevard County Charter Review Commission

ATTEST: \_\_\_\_\_



Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

**2021-2022 Brevard County Charter Review**  
**Record of Vote**

(CRC:2021-2022 –Proposal 6- Right to Clean Water )

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 06-23-2022 to  
vote Second by:

All those in favor of Proposal 6- Yes/All opposed to proposal 6 say No

Chandler	District 5	Y	Newell	District 1	N
Fisher	District 1	N	Nye	District 3	N
Haridopolos	District 2	N	Oliver	District 4	N
Jacobs-Kierstein	District 3	Y	Rogerson	District 2	N
Jenkins	District 4	Absent	Schmitt	District 4	N
Luebker	District 5	N	Trettis	District 2	N
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	N			

Motion to Strike Proposal 6- Right to Clean Water                      Passed 10-4 on 06/23/2022

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 Proposal 7- Repeal Article 8 and Section 8.1 )

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 06-23-2022 to vote

Second by:

All those in favor of Proposal 7- Yes/All opposed to proposal 7 say No

Chandler	District 5	N	Newell	District 1	N
Fisher	District 1	N	Nye	District 3	N
Haridopolos	District 2	N	Oliver	District 4	N
Jacobs-Kierstein	District 3	N	Rogerson	District 2	N
Jenkins	District 4	Absent	Schmitt	District 4	N
Luebker	District 5	N	Trettis	District 2	Y
Moore	District 1	N	White	District 3	N
Neuman	District 5	N			

**Motion to Strike Proposal 7 Repeal Article 8 and Section 8.1 Passed 13-1 on 06/23/2022**

Motion to Approve Proposal

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

Charter Review Commission Meeting Date

**2021-2022 Brevard County Charter Review**  
**Record of Vote**

(CRC:2021-2022- Proposal 10- Supermajority 7.3.3)

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 07-07-2022 to vote following Blaise Trettis motion to amend language and Commission Approving.

Second by:

All those in favor of Proposal 10- Yes/All opposed to proposal 10 say No

Chandler	District 5	Y	Newell	District 1	Absent
Fisher	District 1	Absent	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	Y
Jenkins	District 4	Y	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 10- Supermajority

Motion to Approve Proposal 10 -Supermajority- Motion Approved Unanimous 13-0

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

**2021-2022 Brevard County Charter Review  
Record of Vote**

(CRC:2021-2022 – Proposal 19- Section 5.2 Recall)

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 07-07-2022 to vote following approval of amendment.

All those in favor of Proposal 19- Yes/All opposed to proposal 19 say No


Chandler	District 5	Y	Newell	District 1	Absent
Fisher	District 1	Absent	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	Y
Jenkins	District 4	Y	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	y
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 19-

Motion to Approve Proposal 19 -Recall- Section 5.2    Motion Approved- Unanimous Vote 13-0

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 – Proposal 20- Section 7.4.1 Add Subsection 3- Three Attorney Review Panel)

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 07-07-2022 to vote. Commission had no objection to Mr. Kierstein changing 30 days to 15 days in the language.

Also following a proposed amendment from Mr. Jenkins to revise to say the County Commission had the final say after the Charter Review Commission selected the Three Attorney Panel- Voice Vote of Nay's have the vote. That proposed amendment failed.

All those in favor of Proposal 20- Yes/All opposed to proposal 20 say No

Chandler	District 5	Y	Newell	District 1	Absent
Fisher	District 1	Absent	Nye	District 3	Y
Haridopolos	District 2	Y	Oliver	District 4	Y
Jacobs-Kierstein	District 3	y	Rogerson	District 2	Y
Jenkins	District 4	Y	Schmitt	District 4	Y
Luebker	District 5	Y	Trettis	District 2	N
Moore	District 1	Y	White	District 3	Y
Neuman	District 5	Y			

Motion to Strike Proposal 20-

Motion to Approve Proposal 20 -Section 7.4.1 Add Subsection 3-Three Attorney Review Panel

Motion Approved 12-1

July 07, 2022

Brevard County Charter Review Commission

ATTEST: 

Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

# 2021-2022 Brevard County Charter Review

## Record of Vote

(CRC:2021-2022 – Proposal 22- Revise Citizen Advisory Process)

Motion by: Completion of 3<sup>rd</sup> Public Hearing-Commission Decided 07-07-2022 to vote

Second by:

All those in favor of Proposal 22-Yes/All opposed to proposal 22 say No

Chandler	District 5	N	Newell	District 1	Absent
Fisher	District 1	Absent	Nye	District 3	Y
Haridopolos	District 2	N	Oliver	District 4	N
Jacobs-Kierstein	District 3	Absent	Rogerson	District 2	N
Jenkins	District 4	N	Schmitt	District 4	N
Luebker	District 5	N	Trettis	District 2	y
Moore	District 1	N	White	District 3	N
Neuman	District 5	N			

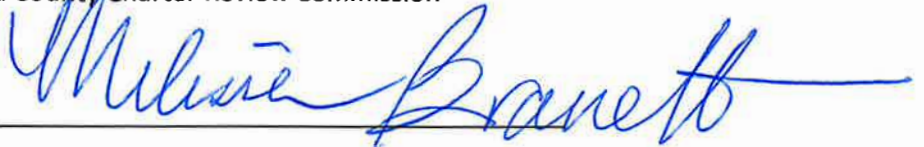
Motion to Strike Proposal 22- Revise Citizen - **Motion to Strike Proposal 10-2**

Motion to Approve Proposal 22 Failed

July 07, 2022

Brevard County Charter Review Commission

ATTEST:



Melissa Brandt, Secretary, Charter Review Commission 2021-2022

July 07, 2022

**CRC RESOLUTION NO. 2022-001**

**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**, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

**WHEREAS**, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall 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 each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.



**SECTION 2:** 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 referendum issue, the subject and ballot question of which is to provide for an amendment to 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. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

**Sec. 7.4.1. - Independent review of proposed charter amendments.**

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 does not say what will be done when the Charter’s attorney review panel determines that a proposed Charter amendment is inconsistent with the Florida Constitution, general law, and existing charter. Shall the Charter be amended to provide that proposals found to be inconsistent with the Florida Constitution, general law, or the existing Charter be returned to the County Commission or Charter Review Commission for further action if any is to be done?

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 set forth in Section 3. of this Resolution, 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. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the electors of Ballot Proposal No. 1 set forth in Section 3. of this Resolution. The amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

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

\_\_\_\_\_  
Mike Haridopolos, Chair

**CRC RESOLUTION NO. 2022-002**

**A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 7.3.3 TO REQUIRE APPROVAL OF ANY CHARTER AMENDMENT BY SIXTY PERCENT OF THE ELECTORS VOTING; 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**, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

**WHEREAS**, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall 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 each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.

**SECTION 2:** 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 referendum issue, the subject and ballot question of which is to provide for an amendment to Section 7.3.3 of the Brevard County Charter, which would require approval of any charter amendment by sixty percent (60%) of the electors voting on the proposal. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

**Sec. 7.3.3. - Amendment referendum.**

The Board of County Commissioners will cause any Charter amendment proposed under section 7.3.1 or 7.3.2 to be submitted to the electors for their approval or rejection. Upon receipt of the official certification from the Supervisor of Elections that the initiative requirements have been met, the Board will, within 30 days, establish the referendum date. The proposed amendment will be placed on the ballot at a special election held concurrent with the next countywide election, or at any earlier special election called for that purpose. If the Board refuses to comply with Section 7.3.2 or refuses to place the proposed amendment on the ballot as required by this section of the charter, the Board's action may be construed as interfering with the right of the people to petition and may be considered an act of malfeasance within the meaning of Article IV, Section 7(a) of the State Constitution.

Notice of said referendum, together with the language of the proposed amendment, shall be published once a week for four (4) consecutive weeks in a newspaper of general circulation in the county, the first publication being not more than forty-five (45) days prior to the referendum. Passage of proposed amendments shall require approval by a vote of at least sixty percent of the ~~a majority of electors voting on the measure in said election.~~

**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. 2 – APPROVAL BY 60% OF VOTERS  
VOTING ON AMENDMENT**

The Brevard County Charter may currently be amended by a majority of electors voting on a proposed amendment. Shall the Charter be amended to require that at least sixty percent of the electors voting on a proposed amendment be required to adopt the proposal?

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

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

**SECTION 4:** That should a majority of electors voting on the above-referenced referendum election vote "YES FOR APPROVAL," thereby approving the above ballot issue set forth in Section 3. of this Resolution 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. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the voters of Ballot Proposal No. 2 set forth in Section 3. of this Resolution. The amendment shall operate prospectively on any Charter amendment proposal submitted to the electors of Brevard County after November 8, 2022.

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

\_\_\_\_\_  
Mike Haridopolos, Chair

**CRC RESOLUTION NO. 2022-003**

**A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 5.2 TO PROVIDE FOR RECALL OF CERTAIN COUNTY OFFICERS AND SCHOOL BOARD MEMBERS; 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**, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

**WHEREAS**, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall 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 each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.

**SECTION 2:** 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 referendum issue, the subject and ballot question of which is to provide for an amendment to Section 5.2 of the Brevard County Charter, which would correct an erroneous reference in Section 5.2 to Section 4.2 and provide for the recall of the Clerk of Court, Property Appraiser, Sheriff, Tax Collector, or the Supervisor of Elections and also provide for the recall of School Board Members. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

**Sec. 5.2. - Recall.**

The County Commissioners shall be subject to recall as provided by section 100.361, Florida Statutes, as amended or superseded from time to time ~~general law~~. Any elected County officer named in Section 4.1.1, 4.2 of this Charter and school board members may be recalled in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, ~~general law~~ for removal of a County Commissioner of a charter county. A successor to the unexpired term of any recalled commissioner or elected County officer, or school board member, shall be elected in the manner provided by section 100.361, Florida Statutes, as amended or superseded from time to time, ~~general law~~ for filling of vacancies in office after recall in charter counties.

**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. 3 – RECALL OF COUNTY OFFICERS  
AND SCHOOL BOARD MEMBERS**

The proposal permits the voters to recall and replace School Board Members, the Clerk of Court, Property Appraiser, Supervisor of Elections, Tax Collector, or Sheriff, in the manner provided for by state law for recall of county commissioners.

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

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

**SECTION 4:** That should a majority of electors voting on the above-referenced referendum election vote "YES FOR APPROVAL," thereby approving the above ballot issue set forth in Section 3. of this Resolution 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. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the voters of Ballot Proposal No. 3 set forth in Section 3. of this Resolution.

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

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Mike Haridopolos, Chair



CRC RESOLUTION NO. 2022-004

A RESOLUTION OF THE BREVARD COUNTY CHARTER REVIEW COMMISSION ADOPTING A PROPOSED AMENDMENT TO THE CHARTER OF BREVARD COUNTY, FLORIDA, TO PROVIDE A CHARTER AMENDMENT WHICH AMENDS SECTION 7.4.1 TO PROVIDE THAT TO REVIEW CHARTER REVIEW COMMISSION PROPOSED AMENDMENTS BEFORE BEING PLACED ON THE BALLOT THE THREE MEMBER ATTORNEY REVIEW PANEL SHALL BE SELECTED BY THE CHARTER REVIEW COMMISSION, AND TO FURTHER PROVIDE THAT IF THE PANEL REJECTS A CHARTER REVIEW COMMISSION PROPOSED AMENDMENT, IT SHALL BE RETURNED TO THE CHARTER REVIEW COMMISSION FOR FURTHER CONSIDERATION; 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**, three (3) public hearings were held by the Charter Review Commission on the proposal engrossed within this Resolution, and the Proposal was adopted by an affirmative vote of at least ten (10) of the fifteen (15) members; and

**WHEREAS**, the Charter of Brevard County, Florida, mandates that the Charter Review Commission, within one year from the date of its first meeting, shall 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 each of the recitals (“WHEREAS” clauses) set forth above is hereby incorporated herein.

**SECTION 2:** 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 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 provide that for review of Charter Review Commission proposed Charter amendments the three member panel of attorneys shall be selected by the Charter Review Commission, and to further provide that if the panel rejects a Charter Review Commission proposed Charter amendment as inconsistent with the law, the proposed amendment shall be returned to the Charter Review Commission for further consideration. In interpreting the proposed amendment, new language is underlined and deleted language is ~~stricken through~~. The proposed amendment states as follows:

**Sec. 7.4.1. - Independent review of proposed charter amendments.**

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.
3. a. Under section 7.4.1. 1., when a proposed amendment is sponsored by the Charter Review Commission, members of the three person panel shall be selected by the Charter Review Commission. The three person

panel shall report directly and maintain a fiduciary duty to the Charter Review Commission.

b. The three person panel shall submit its findings for each proposed amendment to the Board of County Commissioners and the Charter Review Commission within fifteen (15) days of receipt and shall include a comprehensive written report containing the panel's conclusion(s) for each proposal. If two members of the three person panel reject the proposed amendment, the proposal shall be promptly returned to the Charter Review Commission for a reasonable opportunity to cure any defect. The panel's written report must include, with specificity, the rationale for rejecting the proposed language and a suggested manner in which the defect(s) may be resolved. Notwithstanding section 7.4 of this Charter, the term of the Charter Review Commission shall be extended for the sole purpose of further considering any charter amendment proposal rejected by the three person panel.

**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. 4 – Charter Review Commission  
Proposed Amendments**

The Charter requires a panel of three attorneys to review proposed amendments for legality before placing the proposed amendment on the ballot. When the amendment is proposed by the Charter Review Commission, the panel shall be selected by the Charter Review Commission. If the panel finds a Charter Review Commission proposed amendment inconsistent with the law, it shall be returned to the Charter Review Commission for further consideration.

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

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

**SECTION 4:** That should a majority of electors voting on the above-referenced referendum election vote "YES FOR APPROVAL," thereby approving the above ballot issue set forth in Section 3. of this Resolution 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. The proposed charter amendment set forth in Section 2. of this Resolution shall become effective upon adoption by the voters of Ballot Proposal No. 4 set forth in Section 3. of this Resolution.

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

\_\_\_\_\_  
Mike Haridopolos, Chair