

## CHARTER REVIEW COMMISSION MINUTES

The Charter Review Commission met in session at 3:00 p.m. on Thursday, December 3, 2015, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Bldg. "C", 3rd Floor, Florida Room.

Kendall Moore - Chairman Moore called the meeting to order at 3:04 p.m., and he asked Mr. Oliver to lead us in the Pledge of Allegiance. He stated that usually Sandy Smith is our staff support; however, she has had a death in the family and the funeral is actually taking place today. Mr. Moore said that Pam Barrett is taking her place today and is more than capable, so just as a request, if we have votes today, if you would be kind enough to use your names if we ask, rather than to just raise your hands, to insure we get the record correct as that will be helpful to Ms. Barrett.

### Board members present:

Mr. Kendall Moore, Chairman, District 1  
Dr. Ron Bobay, District 1  
Mr. Chuck Nelson, Vice Chairman, District 2  
Mr. Henry Minneboo, District 2  
Mr. Cole Oliver, District 2  
Mr. James Rosasco, District 3  
Mr. Dale Young, District 3  
Mr. Tom Jenkins, District 4  
Mr. Peter Fusscas, District 4  
Mr. Jack Ryals, District 5  
Mr. Jason Steele, District 5

Chairman Moore stated that for the record, the Board members absent from the meeting today are: Ms. Maureen Rupe (District 1), Mr. Matthew Nye (District 3), Mr. Marty Adams, (District 4), and Mr. Scott Sorensen (District 5). He noted that there are eleven (11) Board Members present who will be voting throughout the meeting.

Staff members present: Wade Vose, CRC Attorney  
Pamela Barrett, Administrative Sec.

Kendall Moore – Chairman Moore said if there is anyone in the audience who would like to place their name in the record for attending the meeting, we can certainly start there.

Courtenay Barker – Ms. Barker stated she is with the City of Satellite Beach.

Suzanne Sherman – Ms. Sherman said she with the City of Satellite Beach.

Mark Ryan – Mr. Ryan said he is with the City of Indian Harbour Beach.

Mike Slotkin – Dr. Slotkin stated he is with Florida Tech.

Tony Dutton – Mr. Dutton stated he is a citizen and resident of Suntree.

Dave Pasley – Mr. Pasley said he is not sure what his role is.

John LaSalle – Mr. LaSalle introduced himself as well as his wife Pam.

Kendall Moore - Chairman Moore thanked everyone who is in attendance today, and those of you in the audience who have been here before know that this Board certainly likes to hear from the public, and what your thoughts are relative to the issues that are before us. He said Commission appreciates your attendance.

Chairman Moore stated we have the minutes from the October 29, 2015, meeting which were provided to you electronically, and he asked the pleasure of the Board.

Jack Ryals – Mr. Ryals made a motion to approve the minutes of the October 29, 2015, meeting as presented.

Chuck Nelson – Mr. Nelson seconded the motion.

Kendall Moore - Chairman Moore asked for further discussion. He said in seeing none, he said all those in favor, please signify by raising your hand, those opposed by the same. Chairman Moore stated that let the record reflect it passes unanimously.

Chairman Moore stated that we got the update of the poll that we took relative to meeting dates, which he believes we provided a copy for you. He said generally speaking what we did the last time was to take out the lower ones which are likely to be the ones that have 11 and 12 members present and select from the remainder, adding that he appreciates everybody's participation. Chairman Moore said the other issue is going to be trying to work with Mr. Vose's schedule, and we are going to try our best to work with his request as well. He stated that with the results of the Doodle poll, we will pick the dates with the most number of Board Members available to attend the meetings; Chairman Moore said for the purposes of the Commission and the public, before the next meeting, we will have an established schedule that will take us all the way through May 1, 2016. He stated that the Commission can document those dates, and those will also be published for the public so everyone will be aware of our meeting schedule.

Chairman Moore said he has asked Mr. Vose to give updates, and he wants to be clear as to what the Commission has asked for – updates and not conclusions. He added that what we try to do is tract things that have been asked of our legal counsel. Chairman Moore said there are two particular ones on his plate, and is assuming as he has not conferred with him that what we are getting are updates and not conclusions because these are things that are going to take some work to get done. He asked Mr. Vose if he would take Items IV a. and b. and report to the Commission.

Wade Vose – Mr. Vose stated that he would like to apologize that he was unable to be at the last meeting; however, his law partner, Al Schwarz attended in his absence, and he fully updated him on what was discussed. He said one of the things came from Mr. Rosasco which had to do with how Orange County is set up with regard to their Constitutional Offices of Clerk to the Court and Comptroller. Mr. Vose stated that he had hoped to put together a short memo prior to the meeting, but he is prepared to give you the basics right now, and to give you some suggestions. He added that if there is an appetite for further digging into that issue as to what information would be helpful to you all, he can do that also. Mr. Vose said there are two ways - the Office of Clerk of the Court can

be broken into an Office of Clerk of the Court and Comptroller. He stated that both ways are contemplated in the Florida Constitution and it's the only constitutional office that is explicit in the Constitution. Mr. Vose advised that one is by special act, which was actually the way it was done in Orange County in 1973, prior to Orange County even having a Charter. He said the other way is through a County Charter amendment, and if there was a thought to mimic what is in effect in Orange County right now, which are two offices, both elected to four-year terms, both having a portion of the Constitutional power that the Clerk of the Court has. Or, it would be broken up where there would be two sets of functions, the judicial function and Clerk of the Circuit Court, handling matters on the judicial side, and then all of the other jobs enumerated in the Constitution for the Clerk of the Court, which are basically ex officio Clerk of the Board of County Commissioners, recorder, auditor and custodian of all County funds and official records of the Board of County Commissioners. Mr. Vose stated that basically you have the Court facing functions, and then the County facing functions, and he thinks the Florida Constitution contemplated the possibility of breaking it into two offices, because you have a bunch of different hats going on in that single office. He said if there was further thought along that issue that is certainly a matter that is well within the ambit of what a County Charter can do to break that up into one or more additional offices. Mr. Vose stated that he would suggest as additional information that you may ask the Clerk of the Courts office to explain those non-judicial function - those county facing functions, where members of the public have less experience with and can understand the role of the auditor or being ex officio Clerk to the Board of County Commissioners. He said this concludes his report on this.

Kendall Moore – Chairman Moore recognized Mr. Steele with wanting to speak on this subject.

Jason Steele – Mr. Steele stated that he just finished meeting with all the Circuit Court Judges, and their biggest gripe is that way the Clerk of the Circuit Court handles the judicial system. He said to him, to separate out the issues of the Clerks of Office with two different officials would solve a major problem our judicial system. Mr. Steele added that it is insane with the way it's been going, and he would like to have more information on it.

Kendall Moore – Chairman Moore recognized Mr. Rosasco, Mr. Jenkins and Dr. Bobay as wanting to speak for the record.

James Rosasco – Mr. Rosasco said he certainly agrees that it seems like it is two distinct functions and he would really like to see us pursue this. He stated that at the last Charter Review, 6-7 years ago, this idea was bounced around, and there were probably 7-8 different proposals, and he agrees with Mr. Steele, that we should certainly pursue this.

Tom Jenkins – Mr. Jenkins said in direct response to Mr. Steele, he is not sure separating the functions would necessarily solve the judicial issues. He stated that if their issues are legitimate, it deals with the service they are getting and he doesn't know that splitting that is going to make that service any different than what it is currently. Mr. Jenkins said the other option which our Charter provides for, and that is to create by referendum another administrative department under the County Manager. He stated that most CEO's of corporations, such as Harris, Northrup Grumman, large successful corporations, the Vice President of Finance reports to the CEO. Mr. Jenkins added that it is like trying to run a business and have your finance person over here. He said the County Manager is ultimately responsible for the overall financial management of the County, and so he believes there is equal merit to consider putting the finance function under the County Manager. He noted that this is how it is done in all the Cities – Melbourne, Palm Bay, Titusville, Cocoa – the finance function is under the City Manager. Mr. Jenkins stated that he also thinks that under that scenario, it would not require any new additional positions as there is an existing budget that already funds that function which would be sufficient. He said in fact, there might even be some financial savings because some

of the other financial functions that are currently under the County Manager could potentially consolidated under that new finance department. Mr. Jenkins stated that you could certainly call the department head, the county comptroller, so it could have the same title, but he does think this is another option that deserves equal consideration.

Kendall Moore – Chairman Moore stated that Dr. Bobay wanted to speak to this issue.

Ron Bobay – Dr. Bobay stated that he thinks his was one similar to Mr. Jenkins comment, because there are two functions, one, the Clerk is responsible for the minutes of the Board of County Commission, and two, they are also responsible for holding the check book to the account. In other words, the budget is approved by the County Commission, they issue a purchase order, but the purchase order is paid on the Clerk's side, not the Manager's side.

Wade Vose – Mr. Vose stated that he would presume that is the way it works.

Ron Bobay – Dr. Bobay said he believes that is the way the system is to work. He stated that he would be inclined to see that those two functions make perfect sense to be put under the Board of County Commissioners and the County Manager. Dr. Bobay said he would not be in favor of another elected officer. He stated that he would be more in favor of seeing the function move over and let the Board of County Commissioners decide how to integrate it into a new organizational chart. Dr. Bobay said he would prefer to just move the function over, rather than establishing a department by charter, that way it gives them some flexibility as to how they want to organize. He asked Mr. Vose if this would be appropriate under the Charter.

Wade Vose – Mr. Vose stated that there are a number of County's that take one or more of those functions and transfer it. He said the way to build in that flexibility is to transfer it to County Manager or their designate, and then it can be organized appropriately through an org chart. Mr. Vose said because he was initially asked to take a look at the Orange County two elected offices there, this is the constitutional office that County Charters tend to move around the various duties and functions. However, there are a number of County Charters that do take one or more of these duties and transfer them to another office, not necessarily an elected office. Mr. Vose stated that they can put together a quick survey of what other County Charters do, so you can see the gamut of how those tend to be broken out.

Kendall Moore – Chairman Moore recognized Mr. Rosasco as wanting to speak.

James Rosasco – Mr. Rosasco stated he likes the idea of having checks and balance and he would like to have a comptroller which would be a separate set of eyes, independent to pass judgment on these things. He said with all due respect for Mr. Jenkins and Dr. Bobay, he really feels a separate elected office is what he would support.

Kendall Moore – Chairman Moore recognized Mr. Minneboo as wanting to speak.

Henry Minneboo – Mr. Minneboo asked Mr. Vose if the Comptroller was an elected position in Orange County.

Wade Vose – Mr. Vose replied yes it is.

Henry Minneboo – Mr. Minneboo asked Mr. Vose if there are qualifications for that position.

Wade Vose – Mr. Vose said no there are no specific qualifications for that position.

Kendall Moore – Chairman Moore recognized Mr. Young as wanting to speak.

Dale Young – Mr. Young said in Volusia County there is another way of splitting out those functions, just by department. Mr. Young asked Mr. Vose while he is doing these investigations, can we get a report on that as well.

Wade Vose – Mr. Vose stated absolutely, in fact, Volusia County is one he knows off the top of his head as they are one of the ones who have moved over those functions, the financial functions and the County facing functions.

Dale Young – Mr. Young asked if they changed all the constitutional officers in the departments.

Wade Vose – Mr. Vose stated yes, in Volusia County, they are the one that has become the most consolidated of all the Charter County's. He added that they represent an extreme example with regard to how they handle their constitutional officers.

Kendall Moore – Chairman Moore recognized Commissioner Nelson, and then Mr. Ryals wanting to speak to this.

Chuck Nelson – Commissioner Nelson stated that during the time he was on the County Commission, as well as County staff, one of the things he observed was that the checks and balances went beyond checks and balances. He said it was not an effort to determine the legality of a decision - it became an effort to say it was a bad decision, and those are very different things. Commissioner Nelson stated that you don't have to agree with what the Board of County Commissioners did, but if it is a legal decision, that is where it should stop. He said it became a constant criticism of the County Commission's decision, not that it was illegal – they just didn't like it, and he thinks that is danger of having them separated. Commissioner Nelson stated that the job of the Clerk has been to determine the legality, not the wisdom of the decision.

Kendall Moore – Chairman Moore stated that we will hear from Mr. Ryals, and then Dr. Bobay.

Jack Ryals – Mr. Ryals stated that he is usually a checks and balances type of guy, but in this instance, he is a little concerned about somebody handling the finances of the County - someone who has to seek election and all that implies, and then may or may not be concerned with re-election rather than focus on their job. Mr. Ryals said he thinks you have pretty good checks and balances when you've got five elected officials overlooking the County Manager who would be responsible for any type of Comptroller, or financial departments. He stated that if he were County Manager, he would want more control over the mechanics of the finances than they currently have.

Kendall Moore – Chairman Moore called recognized Dr. Bobay.

Ron Bobay - Dr. Bobay said just by way of comment, again if he understands this correctly, all of the constitutional officers have no checks and balances, and they all have their independent auditing that is internal.

Kendall Moore – Chairman Moore recognized Mr. Oliver as wanting to go on record.

Cole Oliver – Mr. Oliver stated he has a comment in response to Dr. Bobay. They do have checks and balances, and that is the public voting in and out of office. They would be the same checks and balance that the County Commissioners would have, and would flow down to the County Manager, and this conceivable financial auditor spot that is being kicked around.

Kendall Moore – Chairman Moore asked if the Board had any further questions. He recognized Mr. Fusscas.



Peter Fusscas – Mr. Fusscas said he would be very concerned if we put finances under the County Manager’s office. He stated that is more of an issue than checks and balances – why not put the Property Appraiser, Tax Collector, or Sheriff’s Office under the County Manager. Mr. Fusscas said the Florida Constitution has provided these checks and balances and he thinks it is our obligation to maintain that. He stated that he would be very concerned, and for that reason they were put into constitutional offices, so that you would have a separation of power and influence. Mr. Fusscas said we all know, or he would hope we all know, that government is politics and it is politically driven as much as it is financially driven. He stated that mudding up the waters and placing more responsibilities subverting the Constitution is not in the best interest of the taxpayers and the citizens of Brevard County.

Kendall Moore – Chairman Moore recognized Mr. Young and then Mr. Jenkins wanting to speak.

Dale Young – Mr. Young asked Mr. Vose, if we had a comptroller and split out these functions, does this go away of the State Statute as this says, “the Clerk of Courts is personally responsible for every check he writes”, can we transfer that over to commissioners and the new comptroller?

Wade Vose – Mr. Vose said if you were creating a separate singular office, he knows from experience in Orange County that the applicability of the statute concerning the personal responsibility for each of those checks and so on, and does carry over, transfer, and is applicable to the Orange County Comptroller. He stated that he is familiar with precisely what he is talking about, and he would imagine that same safe guard would apply where ever that is transferred within internal County government itself, but he would want to double check on that.

Dale Young – Mr. Young asked if the Charter can expand that statute to the Commissioners.

Wade Vose – Mr. Vose said he doesn’t know that it could expand it, again, he would have to take a look at the exact wording in the Statute to confirm whether or not it would already be there. He added that in crafting how you would transfer that power over, if the thought was to transfer it into the core of County government versus a separate elected office, they would do their best to do it in a way that would maintain, if that is your will.

Kendall Moore – Chairman Moore stated we will hear from Mr. Jenkins, and then Commissioner Nelson.

Tom Jenkins – Mr. Jenkins said he just wanted to offer a little historical perspective about the formation of State government in Florida. He stated that the reason these constitutional officers were set up a 100 years ago, was they were an extension of State government, and in that they collected taxes. Mr. Jenkins said the Property Appraiser put value on property, the Supervisor of Elections ran elections within the County, and the Sheriff was the law enforcement officer - these were all that the State delegated to these local people. He stated the County Commission in the early days did things like build roads, and there was a very limited narrow role of County Commissions 75 to 100 hundred years ago. Mr. Jenkins said these constitutional officers as you know them, are simply extensions of the State government and the functions of State government needed throughout the State of Florida.

Chuck Nelson – Commissioner Nelson stated that he looks at wanting to have the County Commission with the same powers and rights as the Constitutional Officers – why should the County Commission be a lesser function when you are elected by the same people who elect constitutional officers. He said for an individual to weigh in on the decision making – why should the Clerk of the Court tell the County Commission how to run its animal shelters, or criticize the purchase of land for programs approved by the voters because he doesn’t like the program. Commissioner Nelson stated that these are real examples and the types of things that happen. He said the court side of the Clerks

budget is over 20+ million dollars, and we as a County Commission do not see that, adding that nobody locally deals with that part of the budget – the County Commission is a little over 3 million. Commissioner Nelson stated that the Clerk has a huge chunk of money that no one locally is looking at. He said the County is required to fund the Sheriff – if we cut his budget, he can go to the Governor’s cabinet, and it is very rare that the Sheriff will lose at that level, because as you said, its politics. He stated that he thinks what you are doing is creating a subservient group called the County Commissioners, to Constitutional Officers and he does not believe that was the way the Florida Constitution was established. Commissioner Nelson stated that he thinks the County Commissions responsibilities are very clear, and he said he doesn’t see anywhere in there that it says that the Clerk has the ability to countermand decisions of the County Commission. He said only the citizens do that, just as the citizens can countermand the Clerk of the Court for his functions in the Court. Commissioner Nelson added that he was on several committees related to the court system, and he has heard the same criticisms and complaints. Commissioner Nelson stated that you’ve got 20+ million dollars versus 3 million, and most of the efforts are being put in on the 3 million side, and he has a real problem with that.

Kendall Moore – Chairman Moore said we will hear from Mr. Young, and then Mr. Fuscas.

Dale Young – Mr. Young stated that he doesn’t think the Charter can do away with freedom of speech, and he doesn’t think the Clerk has any official capacity to say who runs the animal shelters. He added that he is voicing his personal opinion, and he so states that, and does it with some justification when you see what has been done by the Commission. Mr. Young stated that he has the statutory right, not to write a check if it endangers his job. He said he has plenty of history to go on to raise a little hell about how the Commission has acted. Mr. Young stated you can go down the list, starting with Sarno, Savannahs, EELS, Crab Shack, and the list goes on and on. He said we definitely need some checks and balances.

Kendall Moore – Chairman Moore said we will hear from one more – Mr. Fuscas.

Peter Fuscas – Mr. Fuscas stated that he would guess you don’t agree with the Clerk of the Courts opinion. The County Commissioners have a law firm and legal counsel, and all they have to do is file a suit, so it seems to him that as long as he is not violating the law, then he has the privilege of expressing an opinion.

Chuck Nelson – Commissioner Nelson said he thinks it goes beyond that – when you send your staff to other counties to see how they function in their animal services area, that has no public purpose related to his role as Clerk of the Court. He added that his decision making is based on whether a purchase or transaction is legal – that is his role. Not determine how often a dog should be walked, how many staff you should have related to that – those are not his function. Commissioner Nelson said yet he pays and sends his staff to do those kinds of things, which are inappropriate and is a waste of public money to do those things.

Peter Fuscas – Mr. Fuscas said pointed out that Commissioner Nelson was on the Board for 8 years, and he asked him what he did about it.

Kendall Moore – Chairman Moore stated that he is going to intervene before Commissioner Nelson answers that. He said he is going to make a request that is twofold; number 1 on this particular agenda item, Mr. Vose’s update has turned into debate over a proposal that obviously there are a lot of feelings around the table relative to that. He said he thinks the appropriate procedural mechanism is to discuss it after a proposal is brought forward. Chairman Moore said it is unfair to Mr. Vose to ask him to bring back legal opinions on something that is not yet a proposal. He stated that he thinks

Mr. Vose has provided some of the information Mr. Rosasco requested, but he would hope that, 1 or multiple proposals to come from this body that would ultimately address this exact issue. Chairman Moore asked if everybody is good with that – we will wait until a proposal or proposals come forward. He added that he is sure this is going to be quite of spirited debate on this subject. Chairman Moore said we will now get the other report from Mr. Vose – the update in terms of the Charter Cap legal opinion.

Wade Vose – Mr. Vose said this will be very short because he has spoken briefly with the County Attorney to ask him for materials to provide him with the full history of this most recent version of this Charter provision. He stated that as you all know, there was a prior provision similar to this in the County Charter and there was a court case that went up to the Fifth District Court of Appeals, finding that provision illegal and unconstitutional. Mr. Vose said he is trying to be very deliberative in looking at this because he recognizes this is a very important issue. He stated that he received from the County Attorney's offices the opinions rendered by the 3 attorneys on the 3 attorney panel that had reviewed this previously, and he has also received reference to the Special Act that was apparently passed by the Legislature intending to permit this provision to be voted on. Mr. Vose said he will be taking a look at all of that and coming up with both a history of those pieces, and then ultimately giving the Board his opinion on its constitutionality and legality. Mr. Vose stated he wanted to caution the Commission that one of the options or suggestions he will not have for you, is whether there is anything affirmative that this body can do, just because he says it's legal or completely illegal, or what have you, other than potentially proposing some amendment either changing it or repealing it. He stated that he does not believe that the Charter Review Commission would have standing to go into Court and directly deal with the legality of that issue. Mr. Vose said the usefulness of him rendering that opinion, would be in your deliberations as to whether further action of the CRC concerning Charter amendments would be taken.

Kendall Moore – Chairman Moore asked if there are any further questions for Mr. Vose. He recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco said he is not sure where Mr. Vose left his first issue, as he was going to give some sort of a memorandum about the comptroller, and he would certainly like to see that as a basis to put a proposal together.

Kendall Moore – Chairman Moore said he believes Mr. Vose has already started that process and this update listed today is actually a follow up action on which you asked before, so he doesn't think that goes away, and he thinks he is actually working on collecting that data in terms of what existed in that regard.

Wade Vose – Mr. Vose stated that what he anticipates putting together is both what's constitutionally permissible – basically the mechanism of how that works, and then he would suggest that he will do a very brief survey of what you see in the other Charter county's, where those powers have been put, if anywhere. He added that this will be raw data from those county provisions, rather than his in-depth analysis.

James Rosasco – Mr. Rosasco said great, he appreciates that very much.

Ron Bobay – Dr. Bobay said just as a reminder, he doesn't necessarily need a report today, but there was one item that Mr. Vose was going to look relative to impact fees and putting that responsibility for school under the schools.



Wade Vose – Mr. Vose stated that he has actually researched that quite a bit, and he can give a report on it now, or he can button it up a little bit more and come back to the Board next time, as he still had some things hanging out there that he wanted to check on.

Ron Bobay – Dr. Bobay said he is comfortable with that.

Kendall Moore – Chairman Moore stated that we will add that as an agenda item under his report for the next meeting.

Chairman Moore said we will move onto Item V on the agenda which is our section for proposals that will be heard today. He added that we have a guest speaker with a presentation on two of the proposals. Chairman Moore said there are also a couple of housekeeping items to take care of. He stated first of all, is there is anyone in the audience wanting to be heard on any of the proposals, if so, please be kind enough to fill out a speaker card, for the record. He said he has a speaker card from Fran Baer wanting to speak to Proposal #6, and he asked if that is correct.

Fran Baer – Ms. Baer stated yes, that is correct.

Kendall Moore – Chairman Moore stated that we will take public comment after the presentations, and after the Board has a chance to deliberate any of those items. He said the second procedural one, please note that under Item V, both proposal #5 and #6, it is listed as 1 & 2, and if you will notice on the petition based on scheduling, Dr. Slotkin was available today, and the County's Budget Director is available on December 17<sup>th</sup>, so both of these items will be heard again, based upon the additional presentation from the Budget Director. He asked Dr. Bobay if that is correct.

Ron Bobay – Dr. Bobay said just for clarification, Dr. Slotkin is only addressing Proposal #5, not Proposal #6 as is stated in the agenda. He said the purpose of the request was simply seeking information, so Dr. Slotkin was invited to give us some reference point and additional information concerning the 3% cap or the consumer price index. Dr. Bobay said the same thing would hold true for Mr. Rosenberg when he gives his presentation on December 17<sup>th</sup>. He stated that this is more information gathering, than taking a position one way or another.

Kendall Moore – Chairman Moore we will take the first proposal #5 – Section 2.9.3.1 – Limitations on Growth in Ad Valorem Tax Revenues/Consumer Price Index. The County has a tax limitation in addition to State Formulas. He said he will now turn it over to Dr. Bobay.

Ron Bobay – Dr. Bobay stated he would just like to turn it over to Dr. Slotkin, who is a professor at the Florida Institute of Technology in the Department of Economics. He said he has listened to him speak at a number of county wide meetings and he has a good perspective on some of the impact of consumer price index, and the 3% cap cell and that was the reason for the invitation.

Kendall Moore – Chairman Moore welcomed Dr. Slotkin.

Dr. Michael Slotkin – Dr. Slotkin said this is more of a macro back drop of the tax situation, leading into a discussion of your agenda item. He thanked the Board for inviting him, and he said he salutes all who are participating on this Board. Dr. Slotkin said he started at the Federal level and went through a slide presentation, and the illustration shows the years and the total federal tax receipts, and this last year we collected about 3.2 trillion dollars of tax receipts. In the blue, you have individual income taxes, the purple is the social insurance, and the red is the corporate income taxes. Dr. Slotkin said you can get this information every month by going to Google Monthly Treasury Statements, go to page 34 and it will be right there. He stated that these are what are called flows, these are new dollars, and not a mixture of accounting that seems to occur at the local level where it

is a combination of asset and flow statements all in one account. These are all new dollars for the particular year. This doesn't really provide any context, and the context that is generally reported is GDP. Often times when revenues are reported or expenditures are reported, they are reported as a percentage of GDP. He said he simply divided those figures by GDP, and he thought he'd make it a little more interesting by not only including revenues, but also the expenditures. Dr. Slotkin stated that the difference between the two would be the deficit for the year which is what the government would have to finance by issuing treasury bonds, and that would show up in their debt instruments and debt statements. He said what would show up on the flow accounts is the interest that you actually have to pay on the debt. Dr. Slotkin stated that what you can see is that last year our deficit is now about 2.4% of GDP, so what is important here is the context of this. He said he will now transition to local. These are your ad valorem taxes going back to 1994. This is the portion of the property tax that is dealing with the ad valorem – the millage that we are talking about. Dr. Slotkin said he stopped at 1994, because Tom Rosenberg reported this to him that these are the figures. He stated that one of the issues that you will get at the local level, you are going back and looking at different statements and sometimes they are categorized differently as the years go on. He said there is no point and click at the local level so there is more leg work. Dr. Slotkin said Tom Rosenberg was nice enough to provide this to him. He stated that these are the figures going back to 1994, and he is reasonably confident that these are certain. Dr. Slotkin said you can see the escalation, which is where you are picking up the property bubble. He stated if he is not mistaken, early on in the 2000's there were a few referendums on the ballot that asked for more money or more millages on parks and recreation, and then you can see the contraction down or a return to normalcy in the last couple of years or the role back formula. Dr. Slotkin said he can go back to 1988, but he is less than certain, or less than fully confident that he is getting his apples to apples comparison. He stated that he thinks this gives you a longer story of what has happened in the county over a 30 year period. Dr. Slotkin said there is another category you can track as well that includes this but also factors in sales and other use taxes – tourism tax, gas tax and other types of sales tax. He stated that he is reasonably certain going back to 1996 because on the statements that are provided, and budget summaries, the categorization is exactly the same. Dr. Slotkin said what is the problem at this point - it is the same thing that he told you in the first and second slides – what is the context to this, it's a number – but what is the number in relation to, it is in relation to the community chest which is income. Effectively what are we tithing out of our citizens to fund government? Dr. Slotkin said you can find that rather easily because it is provided by the Feds – every November we get the updates on Brevard County personal income. It is not personal income at the individual level, it is the aggregate of personal income which is personal earnings, dividends, interest or what the accountants call honor income, and transfer payments to the government. He said it is not adjusted for inflation and the illustration indicates the down turn, so why does it go up? It goes up for a lot of reasons and one of the reasons is it simply goes up because of inflation, you have more people, and lastly the people that are here working through the years, get more productive, and there are real earnings gains due to productivity gains. Slotkin said he was hired as someone to do analysis, and he asked if he can offer an opinion at some point.

Kendall Moore – Chairman Moore told Dr. Slotkin that he can say whatever he would like to say.

Michael Slotkin – Dr. Slotkin said he tried to keep this vanilla and transparent for the first part, and simply tell you what he sees in terms of the data. He stated that what he showed you on the first slide is at your low point - you are running some of your county departments on incredibly lean budgets right now, and he doesn't see how avoiding this is going to fix anything. Dr. Slotkin stated that when you are talking about adding things to the Charter that make it more difficult for County Commissioners, who are the people we vote for, and say, handle this issue. He added that he doesn't want to tie their hands behind their back and make it more difficult for them to do their job. Dr.

Slotkin said if we don't like what they are doing, we vote them out of office, but why put them in there, expecting them to do a job, but we put them in a straight jacket at the same time - somebody is going to have to fix this at some point. He stated that he does not think the Commission is anticipating another property bubble to fix that. Or maybe go another 20 years – we knock this ratio down so far down that all departments are starting to be “structurally deficient”. Dr. Slotkin pointed out that if you go back and read the budget – the different summaries all state “structurally deficient”. He add that it was almost a joking point that the person who wrote it, right clicked over the words “structurally deficient”, and then every introduction for every agency wrote those words “structurally deficient”.

Kendall Moore – Chairman Moore asked if there were any questions for Dr. Slotkin.

Michael Slotkin – Dr. Slotkin stated that someone on the Board named Marty Adams emailed him privately and wanted a copy of his handout, and he asked if he is allowed to send this to him privately.

Kendall Moore – Chairman Moore said yes you can, but if you will leave one with Pam, she will make sure everyone gets a copy of his handout. He recognized Mr. Jenkins as wanting to speak.

Tom Jenkins – Mr. Jenkins asked how feasible it would be for Dr. Slotkin to segregate out the voter approved millage and the operating millage. He noted that the voter approved millages have been beach and riverfront which ended in the mid 90's, which is why you saw that spike. Then EELs came along, and then the Parks and Fire referendums and most of those things were for enhancements that the voters said they wanted to do. Mr. Jenkins said if there would be any way to separate that, as he thinks you would be shocked as it is even lower than what you are saying. He stated that a huge chunk of that is voter approved which we wouldn't have had, if we hadn't have done it.

Michael Slotkin – Dr. Slotkin said, just think about what you said – everything in terms of operating, it always has to go back for voter approval.....to run a functional government here.

Tom Jenkins – Mr. Jenkins stated that if you wanted to get excess money, we went for voter approval.

Michael Slotkin – Dr. Slotkin said often times it requires a reset, and if you have to do that, he doesn't want to make it as hard as possible for people to do a reset, he wants to make it easier for them.

Tom Jenkins – Mr. Jenkins stated that he thinks if they see how lean the actual operating budget of county government has stayed over these 25 years, they would be amazed, because the icing on the cake has been the referendum. We go out and build parks, we've acquired environmental lands and beach and riverfront – this is all extras, but what we use to run the county on a day to day basis, is even worse than what you are being shown in this presentation.

Michael Slotkin – Dr. Slotkin said he does not want to cop out, but he has a full time job, but a colleague of his, Alex Bamocie , became so fascinated by this, that he is taking a sabbatical next summer, as he wants to dig into the roads issue that he has also been associated with.

Tom Jenkins – Mr. Jenkins stated that he was the County Manager from 1988 to 2004.

Michael Slotkin – Dr. Slotkin asked Mr. Jenkins if he would be willing to speak with him on a continual basis

Tom Jenkins – Mr. Jenkins said yes, he would.

Michael Slotkin – Dr. Slotkin stated that this is really going to require somebody digging into the books, and it can't just be what is provided to them, because the framework doesn't really give you the idea of what he is talking about. Where are the new dollars that come in each year for roads, as well as the dollars over the years?

Tom Jenkins – Mr. Jenkins said another thing that is critical to this whole process, is the new construction. He added that there was a time when he was getting new construction 3, 4, or 5 million dollars a year – that is huge.

Michael Slotkin – Dr. Slotkin said for all intents and purposes, think about 30 billion dollars - what is the inflation rate these days – about 1.7 or 1.8%. He stated that you know you are going to get the rollback – you get the 1.8% - maybe this year you do 500 million – once you start to get up to 30 billion dollars – 1% of that is 300 million. Maybe you are going to get a 1%, 1 ½%, or 2 %, so these increases on this “auto pilot” mode that we're on here, 3 or 4%, unless of course, you get lucky and you build a new power plant every other year, then you'll get the large increases. But when your county is younger and smaller, and the taxable value is down, 5-10,000 homes being built in a year, is a much bigger deal, than when you get to the value where you are at now.

Tom Jenkins – Mr. Jenkins stated that he understands what he is saying, but he can tell you than when he was balancing that budget every year, that new construction was a life saver, and when we didn't get it, it was tough.

Kendall Moore – Chairman Moore said there are two other members wanting to speak – Mr. Fusscas and Mr. Young.

Peter Fusscas – Mr. Fusscas said it seems to him that some of the configurations are a reflection of “Save Our Homes” program and that the tax base is kind of segmented and segregated into how long you have owned your property as opposed to the new person coming in. He stated that two homeowners – the same exact building next to each other – there is an enormous difference in ad valorem taxes.

Michael Slotkin – Dr. Slotkin said seriously, the non-homesteader doesn't get “Save Our Homes”; the rate of increase can be huge on that. He stated that what you hear is that at the local level, taxes are less progressive than a progressive income tax, but the progressivity at the local level is really this huge burden that shifts to the non-homesteader. Dr. Slotkin said he doesn't know if the values are going to keep going up at the rate they've been going up.

Peter Fusscas – Mr. Fusscas said his question – your numbers, do they take into consideration the municipal tax burden?

Michael Slotkin – Dr. Slotkin said these are county ad valorem taxes. He added that for the homesteader, he separated out the county from the city which showed what he pays county, schools, and city.

Peter Fusscas – Mr. Fusscas stated that he is looking at it from the position of the taxpayer. He said they not only pay county taxes, but many of them also pay municipal taxes, as well as fees, etc. Mr. Fusscas stated that their total tax burden is not just the county, and he would like to see what those numbers look like when you consolidate both the revenue from the municipalities, and the expenditures by the municipalities. He said this way you would then get an idea of what the burden is for the citizens. He asked Dr. Slotkin to comment on this.

Michael Slotkin – Dr. Slotkin said his comment would be, he would be happy to load the numbers. He stated that his purpose is to look at the county, no matter what the burden might be. They've got to run a government and they've got the funding mechanisms to do it, and apparently those mechanisms are not working very well right now. Burdens are different everywhere.

Kendall Moore – Chairman Moore recognized Mr. Young.

Dale Young – Mr. Young said you didn't do anything as far as new construction figures – those are a free ride. He stated that when you look at the millage increase, it might be 1-2%, yet because of new construction; it might be 6-7%. Why do we not include new construction in this cap?

Michael Slotkin – Dr. Slotkin stated that new construction is in here. He said he is not sure what he is talking about.

Dale Young – Mr. Young said no, it is not. It is not under the CPI..... Mr. Young stated that it is spelled out in here and it is not part of that CAP.

Michael Slotkin – Dr. Slotkin stated that we are at that point where we are going to have to disagree on these facts.

Kendall Moore – Chairman Moore recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco said he appreciates the presentation, but he is a little confused. Aren't we talking about putting a CPA Cap in addition to what is going on here? He asked of he would address the proposal – the pros and cons of it.

Dr. Ron Bobay – Dr. Bobay stated that there is actually is no proposal. He said it was put in there as an item where we would seek information on the impact of the consumer price index and the 3% CAP, and we would do that by having two speakers who are well informed about the issue. Dr. Bobay stated that he has not written a proposal that says either we should do something different with it, or leave it the same, or get rid of it.

James Rosasco – Mr. Rosasco said to give him your opinion.

Michael Slotkin – Dr. Slotkin stated that Rosenberg is the guy who will give you various scenarios with and without the CAP, so he thinks you should talk to Rosenberg. Dr. Slotkin added that he thinks you should get the information before you make the proposal.

Dr. Ron Bobay – Dr. Bobay said yes, that is basically it.

Kendall Moore – Chairman Moore recognized Mr. Steele.

Jason Steele – Mr. Steele thanked Dr. Slotkin for his presentation, and he added it was very enlightening. He said we asked the law firm to take a look at whether or not the CPI on the millage rate was in fact legal, as we are the only county in the State that has it on there. Mr. Steele we have a major philosophical difference here in regards to this issue. He stated that he thinks we have burdened the County Commission and the Cities in regards to millage rates, and being able to fund government with this CAP, and he thinks it is illegal and unconstitutional. Yet, nobody has sued the County over it and at some point and time; the County is going to get a law suit over it, in his opinion. Mr. Steele said he is not sure whether or not Attorney Vose is ready to address this issue or whether or not he has done the research to determine if that CPI on the millage rate is constitutional or legal. He stated that when that was put into effect, he is not sure there was even general counsel for the Charter Review Commission that gave them any kind of an interpretation of whether or not it was



legal. Mr. Steele reiterated that we are the only county in the State that does it, and it in fact burdens City and County government officials from being able to maintain government services with what is going on today. He said he gets that he doesn't want to pay taxes, nobody wants to pay taxes, but we have an absolute constitutional scenario where we have to maintain government services, and he doesn't know how we're going to be able to continue to do it, unless that CAP is removed. Mr. Steele said the presentation today told him that we're not going to be able to maintain services with that index in place – period – end of story. He added that you have any bit of fluctuation in the economy, you are really done – you are doomed, and there is no way we are going to be able to continue to do it, unless that index is removed.

Kendall Moore – Chairman Moore recognized Commission Nelson.

Chuck Nelson – Commissioner Nelson said you are talking about City versus County, and he thinks there is a misconception that you pay an equal amount if you live in the City, as opposed to living in the County, and that is not true. When you live in the unincorporated area, you pay for fire, garbage collection, road and bridge, and we pay our own way, and he added that the Cities do not pay that. Commissioner Nelson stated he was looking at a tax bill for a city resident in Melbourne, and what was interesting to him was that the three big collectors of taxes were the School Board, County and the City. He said in priority order, the highest was the School Board, next was the City, and the lowest of the group was the County. He said because we send out the tax bills, so we get all the blame, and the Legislature did that to us on the \$25,000 homestead exemption because they raised the amount of money collected for schools that year, so you didn't see the savings – the County lost that \$25,000, not the School Board side. The tax bill went down some, but it didn't go down as much as it could have, and we got all the blame anyway. Commissioner Nelson stated that the point he is making is that unincorporated area pays their fare share. He said he also thinks there is a misconception about new construction – having been in government for over 40 years, what he always saw was – new construction was how you reduced the millage. Commissioner Nelson stated the problem is that new construction typically means new residents, and a need for additional services. You are reducing the millage, which is limiting your collections, but now you've got more people. He said the referendums to him were always an admission of failure for public policy, because the 2000 referendum for Parks and Recreation on Merritt Island, there were 15 projects, 14 were to fix-up existing parks because they had been inadequately funded over that period of time. He added that there was only one new park out of that referendum which was solely paid for by Merritt Islanders. Commissioner Nelson said you have found out how complicated the budget is first of all, and secondly, public policy has driven a whole bunch of problems which are reducing millages because of new construction. He stated he told Jim Barfield when he was running for office, as tough as it was for those who were on the Commission during the time we had the bubble and decline, cutting was the easy part. But now what they are now faced with is how to deal with what done to them, as there were some very significant drops in services and they are now getting hammered with this. Commissioner Nelson added that this is only going to get worse before it gets better, unless there is some solution. He stated that we don't have the opportunity to do what the City of Melbourne did because of the 3% CAP – they don't have the ability to take care of even the basic functions anymore. Commissioner Nelson said he thinks this is something we really need to look at – and he's hopeful it is found unconstitutional, because he really thinks in the long run it is going to crush this County.

Kendall Moore – Chairman Moore thanked Dr. Slotkin for his time and presentation at the request of Dr. Bobay. He asked if there was anyone in the audience who wished to be heard on Proposal #5. Chairman Moore said in seeing no one, we will move onto our second proposal – Proposal #6, by Dr. Bobay – Municipal Ordinances vs County Ordinances.

Dr. Ron Bobay – Dr. Bobay said in looking at the Constitution of the State of Florida, he noticed that in case of a conflict between municipal ordinances and county ordinances, the county ordinances would prevail, unless by exception in the Charter, and we're a Home Rule Charter county, which applies to us. Ours currently says that, "municipal ordinances will supersede county ordinances", and his intent with this particular proposal was to make exception for one area which would be environmental protection. Dr. Bobay said he thinks we need to think regionally about the environmental problems that we have. He stated that the best example would be the state of the lagoon, and the fact that 71% of the lagoon is in Brevard County. Dr. Bobay stated that sometimes when things seem to be in the best interest of individual municipalities, as opposed to looking at it more regionally from the county level, it is not always in the best interest environmentally. He said the proposal as it stands, by making this exception, probably needs more clarity in terms of what items would be covered. Dr. Bobay stated he noticed in looking at other county charters, Leon County and Volusia County both make exceptions for environmental issues. They give a list of examples, some of which are storm water, aquifer protection, wetlands, etc., where the county would actually set the ordinance. He said he thinks in this, it would also need to include that municipal ordinances could go beyond whatever the county establishes as the standards for environment. Dr. Bobay added that if an environmental ordinance and the local municipality want to go above it, they certainly could do that. He stated that this is the nature of his proposal; however, he thinks he needs to do more to elaborate on the kinds of things that would be under the umbrella. He added that he tried to keep this in simple terms to see if there was an interest, before he did something more elaborate.

Kendall Moore – Chairman Moore as if there were any comments from the Commission. He recognized Mr. Young.

Dale Young – Mr. Young said currently, as far as the lagoon goes, we have 7 county committees that have already been established, and of course is Amendment 1 which is fully funded with more money than they need. He stated that this is something that has already been taken care of as far as he can see.

Kendall Moore – Chairman Moore recognized Mr. Oliver.

Cole Oliver – Mr. Oliver asked Mr. Vose what is the ability to impose this on the municipalities.

Wade Vose – Mr. Vose that would bring into play, Section 1.8 of the Charter relating to Charter Amendments adopted after September 1, 2010, that states, "conflicts with, transfer, or limits any function, service, power, or authority of a municipality within Brevard County, shall apply to a municipality affected unless a majority of the voters in the municipality voting in a referendum approve the charter amendment." He said the question would be whether or not going back and modifying Section 1.7, which prevails in the event of a conflict of municipal ordinances or county ordinances, without a dual vote, would violate Section 1.8. Mr. Vose stated that he will have to do a little more research with regard to 1.8, because, he does not know how much Section 1.8 has been tested. He added that he is not aware of any cases where anybody has worked with that – particularly that the language conflicts with. Mr. Vose said he can tell you that under Florida law, a transfer of a function, service, or power would traditionally go to the side of government services versus regulatory functions. Mr. Vose stated that he needs to dig a little deeper into that. He added that in the absence of that, he can tell you that a number of county charters do specify particular subject matters where the County ordinances would prevail and environmental matters are a very common one. Mr. Vose added that the way it works in Orange County – municipal ordinances prevail over county ordinances in all instances, except adult entertainment, environmental protection and a couple others, and in each of those instances, it is which ever is more stringent, is the one that prevails.

Dr. Ron Bobay – Dr. Bobay said his intent would be to modify or make other provisions in the Charter consistent with the change which would deal with the issue of the municipalities all having to vote, if it went through a Charter program. He stated that in other words, if we amended the Charter - whether that would supersede the requirement of the all the municipalities having to vote on it.

Wade Vose – Mr. Vose said what he would anticipate in implementing that, it would likely involve an amendment of Section 1.8 to make it clear that it is exempting it from that. He stated that the question is whether or not exempting it would be subject to a dual vote, and that is what he needs to work through.

Dr. Ron Bobay – Dr. Bobay stated that this would probably be something that he needs to elaborate, or bring forward a more expanded proposal if that is appropriate. He said the State Constitution essentially gives the county all of the authority in case of conflict, to supersede the municipalities, and it is only because of the Home Rule Charter that we've taken exception to that, and he asked if that is correct.

Wade Vose – Mr. Vose said the default under Florida Law with a non-charter county, is that municipal ordinances prevail over county ordinances within a municipality in the event of a conflict. He added that in a charter county, there is no default one way or the other. Mr. Vose stated that instead, the Florida Constitution specifies that the County Charter shall state which prevails in the event of a conflict.

Dr. Ron Bobay – Dr. Bobay said what you are saying is municipal via the Constitution would prevail in the case of conflict, is that right.

Wade Vose – Mr. Vose stated no. The Florida Constitution is completely silent on which prevails in the event of a conflict.

Dr. Ron Bobay – Dr. Bobay said what he is trying to say is that if you are a non-charter county, and there is a conflict between municipal and county ordinances, the County would dictate.

Wade Vose – Mr. Vose said no, that is incorrect. He stated under Florida Law in a non-charter county – we're talking about within a municipality – except for very limited circumstances, a municipality is not going to be having regulatory power outside of its geographic jurisdiction. Mr. Vose said within a municipality, a municipal ordinance prevails over a county ordinance in the event of a conflict. He added that if a municipality has no ordinance on a subject matter, county ordinance is affected within the city.

Kendall Moore – Chairman Moore said that Mr. Fuscas wishes to speak, and then Mr. Young.

Peter Fuscas – Mr. Fuscas stated that he is a little concerned about the definition of environmental protection, and he asked Dr. Bobay to please explain what that would encompass.

Dr. Ron Bobay – Dr. Bobay stated that some of the items – he looked at Volusia County as an example, and these are some of the ones they had. He said they talk about tree protection, aquifer protection, storm water management, wastewater management, river and waterway protection, hazardous waste disposal, weapons protection, beach and dune protection, environmental protection including air pollution, and protection from destruction of the resources belonging to the general public. Dr. Bobay said he also looked at Leon County and they were much more general, and didn't go into that kind of specificity. He added he thinks he understood Mr. Vose to say there are a number of them throughout the State that addresses the environmental issues, by exception.

Wade Vose – Mr. Vose stated that an example of how it is done by exception, is the municipal ordinances would prevail, and the environmental issues is one those.

Peter Fusscas – Mr. Fusscas said asked how the municipalities are to handle unfunded liabilities or mandates as it relates to environmental issues.

Dr. Ron Bobay – Dr. Bobay stated that this might be naïve on his part, but he would think there would be some collaboration which might even be built in the Charter in terms of the importance of collaboration. He added that there would be input solicited from all the municipalities before this kind of action would be taken in the area of environmental issues.

Dale Young – Mr. Young said he thinks Mr. Bobay is onto something, and he would certainly support rescinding this, and go back to the County, unless we want to get the League of Cities here in force.

Henry Minneboo – *Mr. Minneboo left the meeting at 4:35 p.m. There are now ten members present who will be voting throughout the meeting.*

Kendall Moore – Chairman Moore asked if there was anyone else wanting to speak on this item. He said in seeing no one, he has 3 speaker cards of people wanting to speak today. He said the first card is from Fran Baer.

Fran Baer – Fran Baer, Co-President of the League of Women Voters of the Space Coast, said they are a non-partisan organization affiliated with the National and State Leagues of Women Voters, with a 96 year of accomplishments, of which they are very proud. She stated that their members, both women and men, are dedicated to promoting government which best serves their communities, citizens and our environment. Ms. Baer said among their efforts is the monitoring of the work being done by our elected and appointed officials. She stated that recently it was called to their attention that Charter Review Commission would be considering this proposal to change the wording regarding municipal versus county ordinances, to allow for the county ordinances to supersede municipal ordinances in the area of environmental protection. She stated that while they are supportive of this proposal, we respectfully recommend the language include examples of the regulations for the purpose of defining what is meant by environmental protection. Ms. Baer added that this may include tree protection, aquifer protection, storm water protection, waste management, river and waterway protection, hazardous waste disposal, wetlands protection, beach and dune protection, air pollution and protection from destruction of the resources of the County belonging to the general public. She said furthermore, they recommend should the citizens of the municipalities decide they wish to establish more restrictive requirements for the protection of the environment, be allowed to do so. Ms. Baer stated that they appreciate the opportunity to address the Commission with their recommendations, and they thank you for the work you are doing on behalf of the citizens of Brevard County.

Kendall Moore – Chairman Moore thanked Ms. Baer for her comments. He said the next person wishing to speak is Courtenay Barker.

Courtenay Barker – Ms. Barker said she wanted to clarify – she said what she is concerned with is, she is trying to figure out what problem we are really trying to solve here. She stated that in the realm of environmental protection, which is probably the most coordination between the county and the cities ever, in terms of growth, management, planning or anything like that. Ms. Barker said that most Municipal Ordinances in the area of environmental protection exceed the standards of the County in many ways. She stated that this is where she is kind of struggling here – what are we trying to solve. Ms. Barker said the County and the Department of Natural Resources, without a doubt, is the leader in the county as far as storm water lagoon protection. She added that all of the cities participate with

the county, and they all work very hard together on all of these projects. Ms. Barker said they submit grants and the lobbyists work together to try to get the county money or funds for the Indian River Lagoon. She stated that she would like to know before we keep going – what problem we are trying to solve, as she does not see the problem right now. Ms. Barker added that she thinks this needs to be addressed, before we try to find a solution.

Kendall Moore – Chairman Moore thanked Ms. Barker for her input. He said the third card is from Mark Ryan.

Mark Ryan – Mr. Ryan said he supports doing all we can to improve our lagoon as it is one of the greatest assets in this County. He stated that he wants to learn more of what Dr. Bobay is proposing, and he would like to thank him for bringing this forward. Mr. Ryan added that he is a little cautious because there are some nuances between City and County regulations, and we need to figure out how they come into play. He said he is also cautious of how that will interact with municipal regulations. Mr. Ryan stated that certainly there have been instances in the recent past where the cities have led issues saying; maybe we need to rethink this issue. He said a good example of this is the fertilizer ordinance. Mr. Ryan pointed out that the cities were adopting more stringent regulations, and after the city starting adopting those, the county had a great workshop at the Lagoon House, and ended up getting on board this train too. Mr. Ryan stated this is intriguing and he wants to learn more about it, but at the same time, he is cautious.

Kendall Moore – Chairman Moore thanked Mr. Ryan for addressing his concerns. He asked anyone else wanting to speak to this. Chairman Moore said in seeing no one, he asked Dr. Bobay if he had anything he wished to add to his proposal.

Dr. Ron Bobay – Dr. Bobay stated that he would be happy to elaborate on the proposal, and bring it back to the Board if that is satisfactory to the Commission. He said a couple of quick comments would be, he doesn't know the authority of the 7 county collaboratives that are presently in place, and this is may be something he needs to know more about.

Commissioner Chuck Nelson – Commissioner Nelson advised that by the time it was finished, there were actually 5 counties, with no authority.

Dr. Ron Bobay – Dr. Bobay stated he would like to respond to Mr. Young's comments, relative to Amendment 1. He said he believes there is currently a suit in the Legislature over the way the money has been allocated. Dr. Bobay said he understands "Florida Forever", may have been up in the neighborhood of 200-300 million, and it is down to about 16-17 million which came out after the Amendment 1 proposal. He stated that where he is coming from is there has to be some overriding regional responsibility for our county, and not necessarily depending on each municipality, one by one. Dr. Bobay said he was heavily influenced by what he saw with Hurricane Sandy, where they brought someone in from Scandinavian countries to look at how to deal with the coastal problems. He said they came away with the recommendation that it was every municipality looking at their own problems, which regionally was causing more problems in terms of coastal denigration. Dr. Bobay stated he thinks we need a collaborative and cohesive effort for the county and the municipalities to work together. He added that this is presumed in this, and perhaps there needs to be language wrapped around that to ensure this. Dr. Bobay said when he looked at Volusia County; it looks like they've really gone to a vigorous response in environment, as they set up an independent commission through their Home Rule Charter. He stated that they set up the number of votes people would have, and the commission findings that have been established are binding on the whole county. Dr. Bobay said he is not recommending that we take it to that level, but he simply wanted to



share this with the Commission. He stated he would like to elaborate on this, and bring it back to see if there is an appetite for it.

Kendall Moore – Chairman Moore recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco said he would make a motion to table Proposal #6.

Cole Oliver – Mr. Oliver stated he would second the motion.

Kendall Moore – Chairman Moore said all those in favor of the motion to table; please signify by raising your right hand. Those opposed by the same. He stated that the motion passes unanimously, noting that Mr. Minneboo is not present.

He stated that we will move onto Proposal #7, which has been submitted by Mr. Dave Pasley – Request the County Develop a 5-year Strategic Plan & Budget Priority List.

Dave Pasley – Mr. Pasley thanked the Commission for allowing him to speak, and he appreciates the opportunity. He said he would like to give the Commission a little bit about his background as it influences his thinking. Mr. Pasley stated that he comes from the computer industry, where they did 4 budgets a year, their strategic plan was pretty well fluid – we knew what we had to do, the strategic plan was to make money. He said they had a set of priorities – when we went into a budget meeting 4 times a year, they knew exactly what the “assumptions” were. Mr. Pasley stated that he served on the budget review committee this summer, which was an interesting experience. He said in looking at what “goes in and goes out”, a computer industry term, of how the budgeting and finances process for the county works, was eye opening. Mr. Pasley stated that one of the things he was surprised at was when he asked for those assumptions – what are our priorities – course of strategic direction; he didn’t get much of an answer. He stated that he pressed and pressed, and pressed and finally after some weeks, he did get a strategic plan - Board of Commissioners Brevard County, February 24, 2009. Mr. Pasley said this document is really up to date and has some really wonderful things in it, like the primary objective is to fund the digitization of the County Clerk records. Oh really, we’re going to continue funding Blue Ware....he stated that he thinks this thing needs a little bit of work. Mr. Pasley said his proposal is this, first off we have to get the County Commissioners to do the work to create the strategic plan, it needs to be updated once a year, set a priority list, and hear the priority items. He noted they go through the process, the budget, and the first thing you know, we don’t have enough money for roads, and now we need a 6% gas tax. He stated that he agrees, we haven’t spent any money on road repairs for 10 years – why aren’t road repairs a priority in the budgeting process – they are spending it. They are putting money into other things that everybody doesn’t use, but everybody in the County uses the roads. Mr. Pasley said that maybe we need to have the Commissioners sit down and agree to the top 10-12 items that they are going to fund, not matter what, and the rest of it, we’ll set aside. He said this is the gist of his proposal which follows into the proposal by Mr. Fusscas to have an office of fiscal accountability. Mr. Pasley stated the problem as he sees it is that we are dolling money out or making promissory notes that we can’t necessarily keep. He said his proposal is that we firm this up a little bit and the County Commissioners are the group of folks that have to nail it down. Mr. Pasley stated that this is not a reflection on the Budget Department, and in fact, he’d last about 6 months in that department and then he’d have to go pull his hair out as that is just about the craziest jobs he’s ever seen. He said that is basically the nuts and bolts of his proposal.

Kendall Moore – Chairman Moore thanked Mr. Pasley for his comments, and he asked if the Commission had any questions or comments. He recognized Mr. Steele.

Jason Steele – Mr. Steele asked Mr. Vose where we would put this in the Charter, as he is kind of at a loss here. He said this is a political and policy issue, and he does not see where it goes in the Charter. Mr. Steele stated that he understands the idea, but it is a policy issue, not a Charter Review issue.

Wade Vose – Mr. Vose said he would defer as this would be an argument for your fellow commissioners. He stated that it certainly is not something that he has seen other county charters; however, he has seen it in some city charters, but not in county charters. Mr. Vose said he would leave it to the Commission to decide as to whether or not this is an appropriate thing to put in the Charter.

Kendall Moore – Chairman Moore recognized Mr. Jenkins.

Tom Jenkins – Mr. Jenkins stated that we have a Code of Ordinances and we also have an Administrative Code that covers a lot of the administrative functions of County government. He said from his perspective a Charter is a document of general governance, and when you get into specific details of administration and that kind of thing, he thinks that is why we have an Administrative Code and Code of Ordinances. Mr. Jenkins stated that he thinks there are other ways to address that concern.

Kendall Moore – Chairman Moore recognized Mr. Ryals.

Jack Ryals – Mr. Ryals stated that he tends to agree with that. We can only go so far in setting the mechanics or the job of the County Commissioners, which do answer to the public. He said he would agree with Mr. Steele that this is an excellent point that needs to be raised to the County Commission. Mr. Ryals said that in his view point this is not appropriate for this group.

Kendall Moore – Chairman Moore recognized Mr. Young.

Dale Young – Mr. Young stated that he didn't understand it that way; he thought he was asking for a priority list to be a 5-year plan. He said to him, that would be easy to put into the Charter, if observed, and if it were a business, we'd probably have one. Mr. Young said the reason we need a gas tax increase is because we didn't have any priorities. He stated that we pay taxes for specific priorities, and all it would need to say is, "apply those taxes to priorities for which they were levied".

Kendall Moore – Chairman Moore asked for further comments. He recognized Chuck Nelson.

Chuck Nelson – Mr. Nelson stated that there is a prioritization process that occurs every year, and there is a capital improvements program that is rolled out five years. He said the County staff goes through a significant effort to put that information together, but the reality is that the budget is annual, so while you project what you want to do, the reality is that you can only fund it one year at a time, and you can't count beyond that next year. Mr. Nelson said that in the central part of the county, the road issues are not as significant as in the south part of the county, particularly on the capacity side. He stated that his last 3 years in office, we paved 100 miles of roads, so we were able to take care of a lot of the needs. Mr. Nelson said if it came down to building the St. Johns Heritage Parkway, or closing a park on Merritt Island, he would guarantee you that Merritt Island would say, yes, we'd like to keep our park. He said he thinks this is over simplification to believe that you can have a plan that is going to be 5-years out, and you can follow it automatically. Mr. Nelson pointed out that we are hit every year with increases and things that we hadn't anticipated because of the State. He said Medicaid is a classic example – it continues to go up – is pushed down by the State and we have to pay it. Mr. Nelson stated that another example is law enforcement, in a year we cut 25 million dollars and we actually funded 6 million for new correction officers, so as you see, those are things you can't

anticipate. He said as much as he would like to tell you that a strategic plan would solve all our problems, but that is just not realistic. Mr. Nelson stated that we all heard Dr. Slotkin say that we had a limited amount of revenue, which means we are going to have to reduce services, and he would be interested in hearing what services would be reduced. He said he thinks this is an over simplification, but he thinks the County staff does a much better job than they are given credit for.

Kendall Moore – Chairman Moore recognized Mr. Fusscas.

Peter Fusscas – Mr. Fusscas said as a veteran of the private sector, he does not think you can run a company without a strategic plan, and he is talking about a strategic plan on 5-years, rolled every year. He stated that a strategic plan is something that has a diagnosis – guidance, and an action. Mr. Fusscas pointed out that this asks the Board of County Commissioners to provide guidance and direction to the County Manager by setting priorities on scarce resources, and that is all it does. He said if you look at the strategic plan for 2009, it identifies a lot of priorities, and one of them was road repair, because that was a functional core responsibility, but it is now a core problem. Mr. Fusscas stated that you look at the diagnosis and you say why is this a problem. He said he thinks part of it is the fact we don't have any strategic plan that looks forward and says, these are the anticipated revenues, and we have to allocate those revenues in terms of priorities. Mr. Fusscas stated that this doesn't mean you are going to cut out anything, it just means that you are going to service the priorities first. He said if this is implemented, you don't get legacy problem on roads that are costing tens of millions of dollars. Mr. Fusscas stated that he thinks there is merit into putting this into the Charter asking the Board of County Commissioners to give direction and guidance to the County Manager by setting the priorities.

Kendall Moore – Chairman Moore recognized Mr. Jenkins and then Mr. Steele.

Tom Jenkins – Mr. Jenkins said he thinks we all agree with the idea of strategic planning, but he thinks the question or the dispute might be – does it belong in the Charter, or does it belong somewhere else. He stated that he agrees with Mr. Nelson who stated very eloquently – there is a lot of strategic planning that is done. Mr. Jenkins said he was provided a strategic plan from 2014, adding that we don't disagree that strategic planning is needed; we just don't think that this kind of detail should be in the Charter. He stated that there are other ways that we can require, enforce, and encourage that, but he doesn't think the Charter is the place for it.

Kendall Moore – Chairman Moore called on Mr. Steele.

Jason Steele – Mr. Steele stated he agrees with Mr. Jenkins, and he would like to move to deny the request, and then he has some comments, if there is a second on it.

Tom Jenkins – Mr. Jenkins seconded the motion for denial.

Kendall Moore – Chairman Moore stated there is a motion by Mr. Steele, and a second by Mr. Jenkins. He asked if there is any discussion.

Jason Steele – Mr. Steele said once again, he thinks Mr. Pasley has a great idea; however, it's subjective in nature and it is a policy decision, and it is one that if you are running for County Commissioner, you should bring forth before the people. However, for us to sit here as the County Charter Commission, and try to dictate what the County Commissioners do, is the wrong message to be sending to the general public. Mr. Steele said while he agrees with strategic planning, he disagrees with the venue of the Charter Commission.

Kendall Moore – Chairman Moore asked if there is further discussion on the motion. He said in seeing none, he said all of those in favor of the motion to deny, please signify by raising your right hand. Mr. Moore said those opposed by the same. He stated that the motion passes by a vote of 7:3, with Peter Fuscas, James Rosasco, and Dale Young opposing the motion for denial.

Jason Steele – Mr. Steele said he received a message about the tentative meeting schedule, and he does not have a clue what to do.

Kendall Moore – Chairman Moore stated that this is actually the background data, ultimately we are going to cancel the ones that don't meet our threshold of 12 or less, and you will get a list of the meeting times and dates.

Dale Young – Mr. Young asked if he could have the Chair visit Rule #18, of the Rules of Procedure, which deals with vacancies. Not tonight, but if he could take a look at it and see if it requires action.

Kendall Moore – Chairman Moore I said he will take a look at it to first figure out if a vacancy exists, and if so, he will bring it back to the Board for consideration. He added that it will be Mr. Vose's legal opinion that may be something that has to be addressed by the County Commission relative to that.

Dale Young – Mr. Young said eventually it does, but he needs to bring it to the Commission.

Tom Jenkins – Mr. Jenkins stated he can tell you that, at the last Charter Commission, there was a gentleman representing District 4, before him, and he had to leave, and the Commissioner took his name to the Board and got approval.

Kendall Moore – Chairman Moore stated that what he was referencing was that he was waiting to see if there was going to be some indication either from that Commissioner or that member, that in fact a vacancy existed. However, it sounds like Mr. Young is telling him that this is likely the case. Chairman Moore asked if there is anyone else in the audience wanting to speak on a non-proposal issue, he said in seeing no one, the meeting will be adjourned at 5:04 p.m.



































