

## CHARTER REVIEW COMMISSION MINUTES

The Charter Review Commission met in session at 3:00 p.m. on Thursday, November 19, 2015, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Bldg. "C", 3rd Floor, Florida Room.

Chairman Moore called the meeting to order at 3:02 p.m., and he asked Courtenay Barker lead us in the Pledge of Allegiance. After the Pledge of Allegiance, the Chairman proceeded with the roll call.

### Board members present:

Mr. Kendall Moore, Chairman, District 1

Ms. Maureen Rupe, District 1

Dr. Ron Bobay, District 1

Mr. Chuck Nelson, District 2

Mr. Cole Oliver, District 2

Mr. Henry Minneboo, District 2

Mr. James Rosasco, District 3

Mr. Dale Young, District 3

Mr. Tom Jenkins, District 4

Mr. Peter Fusscas, District 4

Mr. Marty Adams, District 4

Mr. Jack Ryals, District 5

Mr. Jason Steele, District 5

Mr. Scott Sorensen, District 5

Chairman Moore stated for the record, the Board members absent from the meeting today are Mr. Matthew Nye (District 3), and Mr. Scott Sorensen (District 5). He said there are thirteen (13) Board Members present who will be voting throughout the meeting. Chairman Moore stated that Attorney Al Schwarz is attending the meeting today as Mr. Vose had advised the Board that he had a prior commitment today and was unable to attend the meeting.

Staff members present: Al Schwarz, Law Partner, Vose Law Firm

Ms. Sandy Smith, Administrative Secretary

Kendall Moore – Chairman Moore asked if there was anyone in the audience who wished to introduce themselves into the record.

Mark Ryan – Mr. Mark Ryan stated he is the City Manager of the City of Indian Harbour Beach.

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

Kendall Moore – Chairman Moore thanked them very much for their presence today. He said will bypass Item II on the agenda, and will institute a new 7 & 10 day rule for submittal of proposals and agenda packages. Chairman Moore stated that we squeezed this meeting a week earlier so that the Board won't be seeing him next Thursday. He said we will move to Item III on the agenda which is the Chairman's report of 2016 CRC meeting dates. He said he is going to ask Attorney Al Schwarz to comment on this as to what days would work best for Mr. Vose for the 2016 CRC meeting schedule. Chairman Moore said Ms. Smith will be sending out another Doodle poll with the 2016 meeting dates, which will begin in January and continue until we are finished. He said if you recollect, Mr. Vose mentioned that he had one additional Charter Review Commission; however, the Board can set the meetings as they desire. He asked Mr. Schwarz to comment on what would work best from the firm's standpoint.

Al Schwarz – Attorney Schwarz stated the first preference would be the second and fourth Wednesday of each month, and the second choice would be the first and third Tuesday of the month.

Kendall Moore – Chairman Moore advised that we've been meeting on Thursdays, and will be included as an option, but he wanted the Board to be aware that there may be other days that will also be included in the Doodle poll. He said it is intended that by the next meeting, the Board will have a schedule from now until our very last meeting. Chairman Moore added that as was mentioned by Mr. Nelson, if there aren't any proposals to be considered, then we will be happy to cancel those meetings. He asked Mr. Schwarz if he had anything else he wished to discuss with the Board.

Al Schwarz – Attorney Schwarz said Mr. Vose asked him to speak to the Board relative to the School Impact Fees proposal, and to advise that he continuing to take a look at it, and will report to the Board at the next meeting.

Kendall Moore – Chairman Moore asked if the Board had any further questions of Mr. Schwarz before we move onto the next agenda item. He said in hearing none, he will move onto Item V on the agenda which are two proposals. The first proposal was submitted by Mr. Fusscas - Proposal #3 - a new sub-section in Section 2 – the Establishment of an Office of Fiscal & Economic Analysis (OFEA). The second proposal was submitted by Mr. Young, -Proposal #4, - No tax levied in Brevard County shall exceed the statutory limitations set forth in Article 2, Section 2.9.3.1 of the Brevard County Charter Review Commission, as amended November 2, 2010. Chairman Moore said for the purposes of individuals in the audience, there is a general public comment section on the agenda under Item VII, but it has become the course of the Board that we take public comment on a particular proposal at the time the proposal is heard. He added that once the proposal is presented, and there is discussion at the Board level, then we will open the meeting to public comments.

Mr. Scott Sorensen arrived at the meeting at 3:10 p.m. There are now fourteen (14) Board Members present and voting throughout the meeting.

Kendall Moore - Chairman Moore asked Mr. Fusscas to present his Proposal #3, relative to a new sub-section in Section 2 – Establishment of an Office of Fiscal & Economic Analysis (OFEA).

Peter Fusscas – Mr. Fusscas stated that all 50 States in the Union have an office of fiscal impact analysis in addition to an office of legislative research. He said this serves the legislative, the law making body, and it gives them an objective review of the State's, County's or Municipalities financials. Mr. Fusscas stated he wishes he could say this was his idea, but it isn't, it is a product of his research. He said he looked at a number of States on how they were advised on their financial planning, financial impacts on legislation, laws, or resolutions that are presented. Mr. Fusscas stated his request is that the office shall be funded by the Board of County Commissioners out of their budget, but for administrative purposes, the office would be administered within the Clerk of the Court. He added that he thinks this is a reasonable and rational way to go about it because the Clerk of the Court is the bookkeeper and pay master for the County of Brevard. They have all the information to make it

available to the Office of Fiscal Analysis. Mr. Fusscas stated that this is really to provide technical support to the Board of County Commissioners and to compare fiscal notes. He said he has only had two experiences relative to fiscal notes; one was when we bought two helicopters a couple of years ago, when he asked to know what the fiscal impact was to the County, it left a lot to be desired. Mr. Fusscas stated he asked that another organization or financial group take a look the fiscal analysis of the purchase of these two helicopters. He said his second experience was when the North Brevard Economic Development zone was established. He stated that he tried to get a fiscal impact about how this would impact the County's general fund, and he wanted to know what the potential liability was to the County, and so forth. Mr. Fusscas stated he was told by the person he was speaking with, that they did not have enough information in which to make an estimate, so he never did get an estimate. However, later in the year, after the North Brevard Economic Zone was established, it was included in some budgets, and in the budgets there were a lot of the answers to the questions that he had. He said that his thought was that the County Commissioners should have been armed with the financial information so that they can make a judicial decision, rather than voting in the absence of any long term affect. Mr. Fusscas said that this can make a lot of difference to future county commissioners, and to our children, as they are going to be assuming a lot of the capital cost that are incurred by these special districts. Mr. Fusscas stated that when he was in the legislature, the Office of Economic Analysis was absolutely indispensable in analyzing the impact on revenues, expenditures, cost of debt, and capital projects they reviewed, without which, he thinks the entire body would have had a very difficult time making a judgment on whether something was beneficial or not. He said his proposal is to establish an Office of Fiscal and Economic Analysis as he feels we really need an additional independent review of what the specific duties are, analyze and prepare critiques of the County Manager's proposed budget; check county revenue estimates for accuracy; review department budgets and programs on a continuous basis; prepare a short analyses of the costs and long-range projections of County programs and proposed County regulations; review department and program operating budget requests; prepare at the end of each fiscal year a compilation of all fiscal notes on County Ordinances and Resolutions and agency regulations taking effect the next fiscal year; to provide a centralized location for the collection of Special District financial reports and plans and collection of a detailed debt report; provide a centralized location for the collection of data related to economic development in compliance with the GAAP Statement #77, Tax Abatement Disclosures, approved in August 2015, and to perform such other services in the field of finance as may be required by the Board of County Commissioners. He advised that presently there are 22 Special Districts, and they either file individually, with the municipality, or they combine their financials with the County. Mr. Fusscas stated that anybody that wants to take a look at the big picture presently, has to go to each one of these individually to find it, and he thought this would be a good place for a collection agency. So if you wanted to know anything about any one of the Special Districts, what the plans were, the execution of plans, or the financials, you could go to one central location where all this information would be available for review. He added that lastly, the GAAP, Statement #77 which is the government GASB regulation, starting after December 31<sup>st</sup>, all governmental entities are going to have to do a fairly thorough analysis of the Tax Abatement Disclosures of Subsidies. Mr. Fusscas said that he is sure Brevard County is going to have to comply as it will be a GASB regulation, and he thought this would be a good place to start to collect the information so that everyone will know the impact of what our Economic Development efforts are, and to perform other services as needed by the Board of County Commissioners. He added that to serve the Board of County Commissioners, and for administrative purposes, they would be reporting to the Clerk of the Court. Mr. Fusscas stated he included with his proposal a worksheet that came from one of the other States, although it is not part of the program, this is just a supplement to show a little bit about how they would be analyzing the fiscal impact notes. He added that this is just a rough draft and if anybody has any constructive amendments to his proposal, he would appreciate it.

Kendall Moore – Chairman Moore asked if there are any comments. He recognized Mr. Rosasco and Mr. Oliver.

James Rosasco – Mr. Rosasco stated that it appears right now, that staff defends the proposal, and the Commission votes on the proposal – there are no checks and balances by an independent party, and he asked Mr. Fusscas if the helicopter purchase was what he was alluding to.

Peter Fusscas – Mr. Fusscas said yes, a lot of these proposals are generated within the agency, and he does not know what the process and procedure is, or where it goes from there, but there are no checks and balances. He stated that he thinks a non-interested party, bi-partisan group with the expertise in finance can take a look at this and give an unbiased opinion on many of these issues. Mr. Fusscas pointed out that the Feds, States as well as many Counties' within the United States has this.

Cole Oliver – Mr. Oliver asked if the Commission has requested this technical support on analysis of the budget procedure. He said it appears from the history, that relative to the helicopter sales, the Commission can always request, and has requested, that they do an economic analysis. He said that he doesn't think there is anything as it stands now, that prevents the Commission from asking for an independent audit, which may have been the case in this situation. Mr. Oliver stated that another follow-up to that would be, has there been analysis of the cost of implementing such a program such as how many staff positions would be required, what annual funding will be involved to keep this up and running, and who will provide the offices. Then if someone disputes the entity within the Clerk of the Courts office that comes up with the budgetary numbers, if that number is disputed just because they don't like the result, does that mean they have to go out and hire an independent auditor again. He said he is not sure he is totally on board with the fact that the Clerk of the Court is always going to be an independent bi-partisan process in this whole issue. Mr. Oliver said he heard from the City Manager of the City of Cocoa and he believes there are some concerns regarding the language as is written in the proposal that requires an apparent burden on the municipalities, requiring specific information that may be necessary, and that it is provided within 48 hours. Mr. Oliver stated that he is aware you can do a public records request, and they have to provide the public records, however, they simply have to respond to the request within 48 hours, but not necessarily provide the information within that time period. He said he would defer to counsel here, adding that he is not sure that we have the authority to require the municipalities to respond in the manner the language was drafted.

Peter Fusscas – Mr. Fusscas said that is a good point, as he wasn't sure either. He said on a State level you can do it, but he doesn't know about the.....

Al Schwarz – Attorney Schwarz of the Vose Law Firm, stated that is actually one of the points that you may want to consider making it less specific, as far as requiring the information within two days. He suggested that you may just want to say, "pursuant to the public records". Mr. Schwarz also suggested that you may also want to consider as to the types of information you might need from the municipality itself, as it may help to alleviate some concerns.

Kendall Moore - Chairman Moore recognized Mr. Jenkins, and then Mr. Steele wanting to comment for the record.

Tom Jenkins – Mr. Jenkins said from his perspective, the County Budget Office and the County Finance Department, which are both under the Clerk, already carry out many of those functions. He stated that he knows that Finance will do a review of the Budget Office's Revenue projections as that happens routinely. Mr. Jenkins said the Budget Office is frequently called on to do fiscal analysis and fiscal review of various aspects of County Government. He said his concern would be that we are just adding more layers of government, we're increasing the cost of government as they are going to have to add people and positions, and he does not know if that is going to make government more efficient in the long run. Mr. Jenkins stated that as it relates to the Cities, he believes the only thing that you can request from them would be a public records request. You can't require the Cities to do any analysis or anything of that nature, they are only required to provide documents they already have, and they have a reasonable time to generate those documents.

Jason Steele – Mr. Steele stated that while he understands Mr. Fusscas concerns in regards to this issue, it certainly is another layer of bureaucracy as Mr. Jenkins has said. He said clearly this will cost millions of dollars to implement this program, and it is an issue that should be done by staff right now, and in addition to that, there is a public bid process that goes out that generates a RFP and RFB. Mr. Steele stated that he can understand the need for knowledge with regard to this issue, but it becomes a political football between the County Commission, bureaucracy, and the Clerk of the Court, and it slows things down to a point where he does not think it is in the best interest of the general public. He said everybody has a right for transparency in government, and that is why we have the bid process, and as far as the State goes, the State has fiscal impacts on any piece of legislation that comes into effect. Mr. Steele said the Staff should be preparing from whatever department that is there, what the fiscal impact will be to the County Commission, and should be providing that as it is. He stated that he doesn't think adding another layer of bureaucracy is in the best interest of the County.

Maureen Rupe – Ms. Rupe stated that a few of her concerns have already been brought up, but one that she has to discuss is quite political, and that is that the Clerk of the Court and the County Commission has not been on good relationships for a long, long time. She said that she does not honestly see how this would work, as neither trusts each other. Ms. Rupe said she really can't see this happening in the Clerk of the Courts office.

Dale Young – Mr. Young said that everything that he has heard is all valid reasons to have this. He added that he has sat on the Budget Commission for 20 years, and we don't have an analysis right now. Mr. Young stated that the helicopters that were brought up earlier, has a balloon payment that jumps to 6 million dollars, as there is a gas tax bond that has a balloon payment on it. He said these are not taken into consideration as you can see with the human outcry of the road crisis, so nobody is looking past this year's budget. Mr. Young stated that Mr. Jenkins may say so, but he can tell you, it doesn't happen, and if they can't plan beyond the four years of a commissioner's term, then we're really in trouble. He said the gas tax is an example of how we got into a big problem; in fact, the helicopters are a super example of how you get into these kinds of problems. Mr. Young stated that the commissioners are there for a short period of time, and they are not experts on the budget, which is obvious, and if this was a private business, you would certainly be looking farther out, like ten years, and you would say, "what is this going to do to us". He said yes, we desperately need something like this. As far as staff providing this, the staff provides what the Commissioners want to hear - as in helicopter. Mr. Young stated that we need somebody with a little more morale responsibility than deciding who gives me the most campaign contributions, or what makes me the most popular. He added that as far as the Clerk and the Budget Office getting along, that would especially seem to be a reason to have this office. Mr. Young stated that the Budget Manager operates on one year as we saw this year. He added that the Commission and the County Manager are still in charge of the budget, if they see something they don't like, they still have the authority to express their opinion and vote their way. He said we've talked about a County Comptroller before for this very reason, there is no long term management, fiscal management, so yes; he sees a real need for this.

Jack Ryals – Mr. Ryals stated that he understands the need for vigilance in the County Budget, and the fiscal impact of it, but he thinks Ms. Rupe brought up some good points. He said that when Mr. Fusscas was speaking to his proposal, he referred to the Clerk's Office as the "pay master", and from a business standpoint he has some sort of conceptual problem with "pay master" and the Office of Fiscal and Economic Analysis being in the same place. Mr. Ryals stated he heard Mr. Young mention County Comptroller, and to him somebody that answers to the Commission directly, like it or not, are elected officials. He said this is much more appealing to him than setting up another level of bureaucracy that answers to the Clerks office, as he just does not get the tie in with budgetary analysis in that office.

Kendall Moore – Chairman Moore recognized Commissioner Nelson, and then Dr. Bobay wanting to comment on this matter.

Chuck Nelson – Mr. Nelson stated that he probably has the distinction of being on both sides as he was consulted on the County staff side, and also as County Commissioner. He said much of what you say needs to happen, does happen, if you don't believe County Commissioners ask questions and continually ask for detail, he is not sure who you are getting that information from. Mr. Nelson said he can only speak for his office – if he didn't understand it, or didn't believe it, then he would ask for additional information until he was comfortable enough to make those decisions. Mr. Nelson stated that what he sees is that this takes over the role of the County Manager – first of all, you are asking the Clerk of the Court to make judgment calls on whether or not a program should be provided or not, and he does not think that is a function of the Clerk. He added that he questions the constitutionality of allowing him to have that role, because the constitution separates them very specifically into what they are supposed to do. He said he went on the Clerk's website, and he still has the 2011 budget up, and that is the only budget that is on the Clerk's website currently – that is not a great confidence builder as this was during the time that Mitch Needleman was the Clerk. Mr. Nelson added that he really believes that those roles need to be separated – it will not stop the Clerk of the Court from weighing in on any decision that the County Commission makes. He stated that he actually respects Scott Ellis, they do disagree on a lot of things, but he respects him for a variety of reasons, but when it comes to this, he thinks they each have a role. Mr. Nelson said and if you are elected as a County Commissioner, you should be making your decisions with the best information available and continue to ask until you get that information. Mr. Nelson stated he does not think, at least during the 8 years he served as county commissioner, that there was ever a time that he went into a meeting, that he didn't believe he had the correct information. He said he disagrees on the assessment of the helicopters because he thinks that is going to prove to be a wise decision – you can hate it all you want, and you will, but that is okay because we just have that difference. Mr. Nelson stated that he just thinks this is unnecessary, and the real irony is that we fund the Clerk 3 million dollars, plus or minus, for the services, so part of the budget that he will be evaluating, we give to him. He said there are other functions that we fund such as the Sheriff, the Constitutional Officers – all of those can be appealed to State agencies or to the Governor and Cabinet, so it doesn't matter what we think. Mr. Nelson stated that if the Sheriff wants to go up there and argue that he should get more money, he will get more money, adding that he doesn't know of any County's that have won that argument. He said he thinks this is just an extra level of bureaucracy, for no particular benefit, being provided by someone who has a “dog in the fight”. Mr. Nelson added that for these reasons, he cannot support this proposal.

Kendall Moore – Chairman Moore asked Mr. Fusscas if he wished to respond to the comments that have been made.

Peter Fusscas – Mr. Fusscas said he'd like to respond to a whole bunch of the comments.

Kendall Moore – Chairman recognized Dr. Bobay as wanting to speak, and he added that he also has a comment.

Ron Bobay – Dr. Bobay stated many of his comments were similar to what he heard Mr. Nelson verbalize as to the level of detail in terms of what would be scrutinized. He said he thinks that some of the larger issues obviously – Fiscal Impact Statement, might be appropriate. But he is always reminded about a presentation by Representative Gardner, some years ago, where he brought his Ph.D. Economist with him, and the concern is the one we hear a lot of the time -we don't know the fiscal impact of many of the legislative pieces that happen at the State level, and his comment was, “many times it is just an unknown”, and that is not a good reason not to act. Dr. Bobay stated when he looks at this, he has a little bit of a concern at what level of detail we are going to get into, and if it is a larger issue, how well are we going to be able to assess that. Should we assess it to the best of our ability on some of the larger issues, probably – it would make sense, but he thinks he heard that these are things that can be requested currently. He said he has heard a couple of comments relative to the Clerk, and at some point he thinks some of those functions need to be transferred from the Clerks Office to the County. Dr. Bobay said he finds it difficult that the minutes of the County Commission meetings are the responsibility of the Clerk, and also the paying of the bills – he doesn't understand why those functions aren't consolidated. He said

that's kind of what he saw when this comptroller idea come up – that somehow we would consolidate that into a more reasonable sense of how we manage our finances. Dr. Bobay stated that he has a hard time seeing two different singularly elected officers, one responsible for ordering and paying for things, and the other responsible for taking the minutes.

Kendall Moore – Chairman Moore said when he originally read this, he liked that idea in concept of having a mechanism providing support that did long range budget planning to assist in the process; however, he was bothered a bit when he got to the bottom and it used the word “critique” He stated that critique starts down a political road, not down an analysis road, and he agrees with Mr. Nelson, he likes a lot of the things Mr. Ellis does, but he thinks some of his analysis goes way beyond the auditing level of the particular functions. Mr. Moore stated that Ian Golden, Housing and Human Services Director, had an analysis of their housing programs done a couple of years ago. It was not an audit, because it didn't meet any level of an audit standard. He said he thinks the essence behind it was because there was a political belief that the County should not be spending money in that area, or be in that business from a general political perspective. Mr. Moore said there has got to be a presumption that internally somebody is doing something wrong, illegal, or unethical, and this office is intended to be somewhat of the catch all, to prevent that from happening. He stated that if there is an internal mechanism that crunches numbers and provides data to support that effort, he thinks that is very beneficial. But if this is something that is intended to critique, review and potentially turn this into a political football, then he has real concern about that. Chairman Moore said a little clarification in that regard would be helpful to him.

Peter Fusscas – Mr. Fusscas said he would be happy to do that, and he added that this is in no way intended to be political. He stated that this is a system that provides an objective of another financial opinion on proposed legislation that has been passed, and projects estimates for the future, and has nothing to do with politics. He said with all due respect, in all 50 States – this has been around for 30 years which has predated everybody, but perhaps him, and most certainly predated the Clerk of the Court, Scott Ellis. Mr. Fusscas stated that this has nothing to do with the politics. If the fight between the parties is so acrimonious, then we wouldn't be electing a President of the United States of America at all. He said the office does not have any authority, it only provides advice on financial projections.

Maureen Rupe – Ms. Rupe asked if it could be in another location other than the Clerk of the Court.

Peter Fusscas – Mr. Fusscas said he would entertain any recommendation on this subject.

Maureen Rupe – Ms. Rupe stated that she is just very wary of the Clerk of the Courts and the clashes.....

Peter Fusscas – Mr. Fusscas said he thinks it ought to be separated from the County itself. He added that this is another fiscal opinion – it has no authority to act. He stated that it is up to the County Commissioners to evaluate both positions and make a judgment. Mr. Fusscas added that this doesn't need to become a bureaucracy; it would become an Office of Analysis, and as the complexity of government grows, so will this office. He said this office asks the questions, then it lays it out, and you either accept it or you don't. He stated that this is not a political football at all, and as the County's budget grows over the next 20-30 years from now, you can grow this office. Mr. Fusscas added that this is an invaluable source of data information.

Tom Jenkins – Mr. Jenkins asked who they report to.

Peter Fusscas – Mr. Fusscas said it was independent.

Tom Jenkins – Mr. Jenkins stated, they have to report to somebody.

Peter Fusscas – Mr. Fusscas said they reported to the Legislature.

Tom Jenkins – Mr. Jenkins said oh, the Legislature supervised.....like the County Commission.

Peter Fusscas – Mr. Fusscas said yes.

Kendall Moore – Chairman Moore recognized Mr. Steele, and then Mr. Rosasco as wanting to speak on this matter.

Jason Steele – Mr. Steele said you might be able to get him to discuss an elected position of Comptroller, but he is absolutely, vehemently opposed to this particular issue.

Peter Fusscas – Mr. Fusscas asked Mr. Steele what his specific reason was.

Jason Steele – Mr. Steele said it a bureaucracy; it is just another layer of government.

Peter Fusscas – Mr. Fusscas asked a bureaucracy of what?

Jason Steele – Mr. Steele stated that first of all, he hasn't given us any fiscal numbers in regards to what you think this is going to take. He said number 2, he doesn't like the way it is structured – he thinks it is structured with the Clerk of the Circuit Court and the County Commission, and he thinks it makes no sense - this is his opinion. Mr. Steele stated that he is not willing to, as a Charter member move forward with another layer of bureaucracy without any fiscal impact. He said you are talking about giving fiscal impact to the County Commission, and you can't even tell us what he fiscal impact is of the office. Mr. Steele stated that he thinks this is kind of opposing views here, so it would be nice if we knew what this office would cost.

Peter Fusscas – Mr. Fusscas said around a hundred thousand dollars.

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

James Rosasco – Mr. Rosasco said the last Charter Review Commission; we probably had 6-7 different attempts at a County Comptroller. We also had probably 6-7 shots at some sort of efficiency, and he thinks the overall feeling is that there has to be some sort of financial review at what our elected officials are doing. Mr. Rosasco said he is really interested in developing this Comptroller concept, and that is why he asked at the last meeting if our counsel would provide us with information that Orange County came up with. He stated that he thinks there has got to be more thought into how the Commission spends our money. Mr. Rosasco stated that with all due respect to Commission Nelson, you can get the information if you ask for it, but what Mr. Fusscas is proposing, you will have the information whether you ask for it or not. Everybody isn't going to ask the questions, and he thinks this is another attempt to get to the Comptroller type situation that would encompass this sort of effort. He added that where he is coming from is that we need to get a new elected Charter Office as a County Comptroller, that would handle the impression that we have, that the County really isn't spending the money wisely - not that they are doing it maliciously, but he thinks what they are saying is maybe they are not getting all the information.

Kendall Moore – Mr. Moore asked Mr. Young if he still wanted to speak on this subject.

Dale Young – Mr. Young said as far as what this office would come up with, you still have the Florida Statute that determines who makes the final decision. The County Manager is the Budget Officer and the Commission makes the rules – they are the ruling authority. He stated that it doesn't matter what comes out of this, he is not over riding local authority, he is just advising. Mr. Young said the State Legislature doesn't put out a piece of legislation without an impact statement. He stated that he could look at something like in-bids and say where is this taking the County, how much are we going to get in return for this. Mr. Young said he doesn't understand the crisis about a political football – if you want a political football, wait until we get into the County Comptroller – we've had this three times. He stated that everybody worried that you were going to put it in the Clerks office – boy, he doesn't get along with the County Manager, so how are you going to take care of that. Mr. Young said



either they do their job, or you get rid of the them, just because people don't like each other, they still have to do their job to earn the \$125,000 they get paid. He added that we need to get results, and we are not getting results right now.

Kendall Moore – Chairman Moore stated we will hear Mr. Jenkins and Mr. Nelson, and then Mr. Fusscas is prepare to close. He said we will then pen the meeting to the audience, if there is anyone wanting to be heard.

Tom Jenkins – Mr. Jenkins said he thinks it is interesting that in his experience this entity worked for the Legislature; however, in this scenario, that would be the Board of County Commissioners, and that is not what this proposal does. He stated that his second concern is that we already have a Budget Office staffed, and we have the Finance Department under the Clerk of the Court who does frequent analysis of a lot of things, so he thinks we already have the resources there to do what needs to be done.

Chuck Nelson – Mr. Nelson stated that on the Staff level, as a Department Director, he had to deal with the Budget Office and the County Manager, and he just didn't walk in there and say hey, I've got this great idea. He said they would ask me him to prepare an analysis on his idea. Mr. Nelson stated that he will tell you - this is already there in an independent sense. He said as a Department Director, you just don't walk into the County Manager's Office and say –this is what I want to do, and he says okay. Mr. Nelson stated that you have got to sell the concept with good information, or you don't get there. He noted that the Legislature meets for 60-90 days a year, they deal with a couple hundred bills and they do the analysis on those things – they don't meet every Tuesday. He said he thinks you are talking about grinding government to a halt on those kinds of things, because they will find things to do even when they don't have anything to do, and that is the danger. Mr. Nelson stated that they will have to justify their own existence and create work, which is just as bad. He said he thinks there will always be a disagreement about the outcome of these things, but that is just the nature of this business.

Kendall Moore – Chairman Moore asked if there was anyone in the audience who would like to be heard on this issue.

Courtenay Barker – Ms. Barker stated she is the City Manager for the City of Satellite Beach, and she would like to let you know that she agrees with everything that Commissioner Nelson has said. She said she thinks this would be an overlap; however, she does agree that there is a concern. Ms. Barker said this was brought up at your Budget presentation, along with the lack of centralization for people to get information, and she absolutely agrees with that. Ms. Barker stated she thinks there is some work to be done, and if this doesn't go through, she thinks this is something that could easily be corrected administratively on the County level, and with the partnership of the Cities, and she would gladly work on this, as she feels it is important.

Kendall Moore – Chairman Moore asked if there was anyone else in the audience wanting to speak on this issue. He said he thinks Ms. Smith distributed to each of you, an email received this afternoon from John Titkanich, the City Manager of the City of Cocoa, and she has placed a copy in the record. He asked Mr. Fusscas if he had any other comments, or does he desire to take any procedural action on his proposal.

Peter Fusscas – Mr. Fusscas stated he purposely drafted this to be all encompassing as he wanted to get everybody's opinion and their feelings on the basic proposal and details. He said he would be very happy to re-draft his proposal, taking into consideration many of your concerns, and he would ask for the opportunity to do that. Mr. Fusscas said he would prepare a preliminary budget for Mr. Steele, and then bring it back to the body and have you take a look at it to see if you like it or not. He stated he would like to make a motion to table this, to give him an opportunity to re-draft it, taking into consideration your concerns and bring it back for a vote.

Kendall Moore – Chairman Moore said there is a motion to table the proposal, and he asked if there is a second to the motion.

Dale Young – Mr. Young stated he will second the motion.

Kendall Moore – Chairman Moore said we have a second, and procedurally there is not discussion on a motion to table. He said all of those in favor of the motion; please signify by raising your right hand. He said all those opposed by the same. Chairman Moore said the motion passes by a vote of 9:5, so Item #3 in our procedure will be reflected as tabled and there was not time certain for the tabling. He instructed Mr. Fusscas to either re-draft the proposal or remove it at some point, that would be up to his or anyone else's discretion. Mr. Moore stated we will move to Item #6 which is a Proposal #4, by Mr. Dale Young, Brevard County Proposed Revision – No tax levied in Brevard County shall exceed the statutory limitations as set forth in Article 2, Section 2.9.3.1 of the Brevard County CRC, as amended November 2, 2010.

Dale Young – Mr. Young stated that there is an attachment that goes with this which pretty well explains what the proposal is about. He said that in the Charter, a previous committee seemed to think it was important that we put a cap on the taxes for Brevard residents so that it didn't exceed the CPI, or what they would expect to see in a yearly income increase. Mr. Young stated that when it gets way out of bounds of what the person is getting as an increase in their revenue, then that means that they are going downhill. He said that the page that was passed out to each of you, indicates the per capita in green, the ad valorem taxes in blue, and the black at the top shows that people are taking a real hit on their household incomes. Mr. Young stated that the previous Charter Review Commission put this in 2.9.3.1, and it passed the general electorate, and it was important to be in there. He said all he is saying is that no tax should be no more than the limitation that is currently in the Charter, and keep everything on an equitable basis – it shouldn't exceed it.

Kendall Moore – Chairman Moore recognized Dr. Bobay first, then Mr. Jenkins and Mr. Oliver wanting to speak to this proposal.

Ron Bobay – Dr. Bobay said he has an interest in this also, and through the Chair, he suggested that we have two speakers to this item in terms of the impact. One is Dr. Slotkin who is an Economics Professor from F.I.T., and the second is Thomas Rosenberg, the Brevard County Budget Director. Dr. Bobay said these gentlemen couldn't appear at the same time, but Dr. Slotkin has agreed to present to the Board on December 3<sup>rd</sup>, and Mr. Rosenberg will present on December 17<sup>th</sup>. He stated that the request is to better understand this issue, and secondly, there is some history here that he does not fully understand. Dr. Bobay said he read the constitution and he understands that we cannot violate any provisions of the Constitution. Dr. Bobay said the Constitution says that – “there shall be no special law or general law of local applications pertaining to assessment or collection of taxes for State or County purposes”. He stated that he is struggling with an understanding of how it got in here to start with, and he is sure there are others around the table that can clarify that for him, as this clearly violates the Constitution which he thought was the overall final word.

Kendall Moore – Chairman Moore stated that we will now here from Mr. Jenkins, and then Mr. Oliver.

Tom Jenkins – Mr. Jenkins said he just wanted to point out that the significant increase in ad valorem taxes, he would be willing to bet that the bulk of that has been through voter approved referendum, where the voters approved to assess themselves those taxes. He stated that in the fifteen years or more that this section has been in place, he doesn't recall the County Commission ever increasing taxes above and beyond the CPI, or whatever it says. Mr. Jenkins stated that in essence what Mr. Young's action would do is eliminate small section (c) on page 8, where it says, “if a supermajority of the Board concurs and a finding that such an excess is necessary because of emergency or critical need. The finding shall set forth the ultimate facts upon which it is based, and shall be valid for a single budget year”. He said in essence 2.9.3.1, restricts this to the CPI; however, there is an escape - if they can get 4 of the 5 Commissioners to vote for it, where they have to clearly articulate what the emergency or critical need is. Mr. Jenkins stated that this has not happened since the existence of this language.

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

Cole Oliver – Mr. Oliver said he will echo Mr. Jenkins comments, adding that he felt comfortable with the escape hatch provided by sub-section (c) requiring the super majority to punch through the so called CPI ceiling.

Kendall Moore – Chairman Moore stated we will hear from Mr. Young and then Ms. Rupe.

Dale Young – Mr. Young said that what he has suggested didn't eliminate the emergency item in the Charter – you can still do that and it wouldn't be affected. He said as far as voting – these are ad valorem taxes and he doesn't think the public voted for these increases. Mr. Young stated they voted for park fees and EELS, but he doesn't remember them voting. He said but before we go any farther he would acquiesce to Dr. Bobay's suggestion that we need to hear from a couple of other people, so if we also want to table this proposal to later in December, that would be fine with him.

Kendall Moore – Chairman Moore stated that just as a favor he is happy to take the motion to table, but he would like to open this up for discussion, just in case anyone happened to come here today to address this. He said that after discussion, then he would take the motion. He added that Ms. Rupe wanted to speak to this request and then we will open this up to the audience.

Maureen Rupe – Ms. Rupe stated that after 9-11, unfunded mandates came down on Brevard County, and it was in a real flux. She said she can't remember everyone that was involved, but she remembers there was the Sheriff, herself, Mr. Jenkins and a couple more people sued because....what was it Tom; help me remember.....

Tom Jenkins – Mr. Jenkins said he didn't sue anyone, but he thinks it was the CAP, the 3%. He deferred to our legal counsel.

Al Schwarz – Attorney Al Schwarz of the Vose Law Firm, stated there was a case out there - Ellis vs. Burk from 2000.

Maureen Rupe – Ms. Rupe stated yes that was it, and the Supreme Court said don't come back again.

Al Schwarz- Attorney Schwarz said it was a District Court of Appeals case but.....

Maureen Rupe – Ms Rupe stated that she is just trying to point out that there may be emergencies such as 9-11.

Dale Young – Mr. Young said once again, this will not delete your emergency section of the Charter, so that wouldn't be a factor.

Tom Jenkins – Mr. Jenkins stated that he would question that is contradictory.

Kendall Moore – Chairman Moore said he cannot stop you Mr. Young from making that procedural motion, but there are a couple of other hands – would you like to hear from them before we.....

Dale Young – Mr. Young said yes.

Kendall Moore – Chairman Moore recognized Commissioner Nelson and then Dr. Bobay.

Chuck Nelson – Mr. Nelson asked if there is some reason this stopped at 2009, as he can guarantee the lines kept going down.

Dale Young – Mr. Young stated that he doesn't know where that even came from. It might have come from Slotkin, he just doesn't know.

Chuck Nelson – Mr. Nelson said this looks like the one that a.....what is the gentleman from North Brevard that ran.....

Tom Jenkins – Roger Sheeley?

Chuck Nelson – Mr. Nelson stated that this looks like Mr. Sheeley's work. He said this stops in 2009, but it continued to decline. Mr. Nelson stated that one of the problems he has with the current wording is that we had property values that dropped 17%, and you can only come back CPI, so we were dropping 17%, and could come back by 1 ½ %, and as a result of that it did become catastrophic. He said he thinks any of these things should have a caveat that if it's going to cap you at a certain amount, then it needs to cap you on the drop side, because then you can manage your budget. Mr. Nelson stated that instead of seeing this artificial fall – we got hammered by the Property Appraiser – we were the worst County in the State for loss of property value, and that was a political decision of the previous Property Appraiser. He said he struggles with this, as like Dr. Bobay stated, he believes the Charter as it exists is unconstitutional, as it is almost word for word from the one that was overturned by the Courts. Mr. Nelson stated that he thinks it takes away an elected body's ability to manage itself, and then let the people say if they like the way it is being managed.

Ron Bobay – Dr. Bobay said his question was going to be, is it okay to have the attorney give us a rendering of his opinion - the continuation of this in the broader sense, just from the standpoint of the Constitution. He stated that he is also aware that there are State Statutes that dealt specifically with Brevard County on this issue, which is rather interesting. Dr. Bobay said there has been some contradictory language within the Statute that was passed, that only applies to Brevard County. He noted that they didn't exempt this particular provision, and it didn't state in some other statutory provisions where they said they would have to make exception to it – they never did that. Dr. Bobay said there are a couple of issues, they violated their own Statute when they passed a separate law that only applied to this County, and the bigger issue is – were there other provisions in the Constitution that said the Legislature had the authority to make an exception to that provision – that is his question. He stated that we have two speakers that will try to inform us better, but he would also like to know personally, what the legal basis is – are we violating the Constitution.

Al Schwarz – Attorney Schwarz stated that he had spoken to Wade Vose, especially in light of the Ellis vs Burk case, and they are trying to get the history of what has happened here, and to Commissioner Nelson's point, as to what was eventually reflected in the Charter. Attorney Schwarz stated that Mr. Vose would like to try and set up a meeting with the County Attorney to try to get that historical basis about what happened with that case, and what eventually found its way into the Charter.

Jason Steele – Mr. Steele stated that he believes we are the only County in the State that has this. He said it is most likely, in his humble opinion, unconstitutional. It puts the County in a very, very bad position, because if we have a true emergency, and we can't get a simple majority to vote to supplement the budget – we really have a problem. He stated that he doesn't want our ad valorem taxes to sky rocket, nor does he want to see our taxes rise, but he doesn't want us handcuffed in the event we have a terrorist attack or some other kind of major problems that could hand tie or handcuff this County Commission. Mr. Steele said he thinks it is incredulous that somehow or another, whoever, the general counsel was for the Charter Review Commission at the time, let this get by. He stated that this needs to be dealt with, and it needs to be dealt with by this Charter Review Commission. He said he would urge everybody – and he appreciates Dr. Bobay's offer, but he thinks we all have an understanding as to what the problem is – it needs to be changed, and we've got to do it now.

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

Henry Minneboo – Mr. Minneboo said the graphic illustration here of the ad valorem – does that also take into account the School Board?

Dale Young – Mr. Young stated he is sure it does.

Henry Minneboo – Mr. Minneboo said theoretically 53% of this is the School Board's relationship.

Dale Young – Mr. Young stated that it really doesn't matter to someone when they pay their taxes.

Henry Minneboo – Mr. Minneboo said that may be true, but they always beat up on the County Commission.

Kendall Moore – Chairman Moore asked if there is anyone in the audience wishing to speak to this issue.

Mark Ryan – Mr. Ryan said he is the City Manager of the City of Indian Harbour Beach and thanked the Commission for allowing him to add some comments to Proposal #4. He stated that he believes this proposed amendment will impact Cities, County, School Board, and other taxing authorities. He said this is in conflict with the Florida Constitution, Article 8; is in conflict with Florida Law, Chapter 166; Florida Law, Chapter 195.207; and Florida Law, Chapter 200 and will have a significant impact on local governments and their ability to use home rule and local control. As evidence by media reports recently, our School Board is having a problem recruiting quality of teachers, and Cities are having problems trying to find good Public Safety Personnel as well as other personnel, and this revenue restriction will exacerbate this problem. Mr. Ryan said by limiting tax revenue may seriously impact bonding abilities of the Cities and County, and he added that there is a case study out of California that he would urge the Commission to look into, as this amendment is a one size fits all. He stated that this doesn't work – there are different needs for different people. He pointed out that limited tax revenues after 5-7 years of declining property values hinders communities recovering from the down turn of the economy. Mr. Ryan said what happens the next time – when will that be. He stated that since 2013, the City of Indian Harbour Beach has increased their costs for health care by 21.6%, just in three years, and had the CPI been in place, he would have gotten 2.1% the first year, 1.5% the second year and 1.6% the third year, but his health insurance increased 21.6%. Mr. Ryan said that many other communities had the same problem, maybe even worse, he does not know. Mr. Ryan said the City of Indian Harbour Beach millage rate since he's been City Manager for two budget years, he has lowered the millage rate, but he had to go above rollback. This past year, he went above rollback 2% and it gave him \$107,000, and 78% of that went to meet a collective bargaining agreement with the union, leaving only \$24,000 for other municipal needs – that is not a lot of money, but it will most certainly have a fiscal impact on their community. Mr. Ryan said what about the recent economic announcements that we've heard about – there the jobs are coming – great, great for this County, but it will impact the services. He stated that if we can only increase the budget to provide those services by CPI, how are we going to provide the quality of life that these companies want when they locate here. Mr. Ryan reminded the Commission of Amendment 1, just a few short years ago, it added \$25,000 homestead exemption, capped the taxable value for non-homesteaded property, save our homes portability. We've come a long way in terms of property tax reform, helping to save our citizens and their ability to live in their homes. He said what you need to know is that if this amendment goes before the ballot and it fails in Indian Harbour Beach, but passes County wide, it would not apply in Indian Harbour Beach. If it fails in Cocoa, it would not apply in Cocoa – that's the law. Mr. Ryan stated that communities have multi-year collective bargaining agreements that have contractual obligations with these unions, and his will impact their ability to meet that contractual obligation. He said he has a Police Pension Plan that has a million dollar unfunded recruit electoral liability, and he is doing everything possible to bring that down, and this has an ability to impact that dealing with that liability. Mr. Ryan stated that the Florida Legislature continues to try to impact Cities and Counties by taking revenues away. He said he met this morning with the League of Cities, and there is a bill filed dealing with communications services tax which is another attack on City revenues. He asked who knows about Field of Dreams Park, we got millions of dollars to build it from the State and Governor, but how are we going to pay to maintain it. We only need to increase our taxes by 1.5%.

Kendall Moore – Chairman Moore asked if there was anyone else in the audience who wanted to be heard.

Courtenay Barker – Ms. Barker said she is City Manager of the City of Satellite Beach, and she just wanted to mention that there are many services in the County that bring down the costs to our residents. Good roads bring down the cost of our cars, transit systems allows many of our families not to have cars, so a lot of things we do in government brings down the costs for families, and by not allow them to provide those services effectively, could actually cost people more money in the long run. Ms. Barker stated that she has a 17 year old intern right now, who is very bright, and in ten years if this amendment is in there, when she comes to her County Commissioners and says, I have this idea and I would like to fund it, and they say well we can't do that because of something that was done 10 years ago by a different group of voters.....she just doesn't think that is fair. She said that it so unfair – people today should be able to influence their government by acting today, not having to deal with something that happened 10-20 years ago by a different group of voters. Ms. Barker stated that in reviewing the Constitution as well as some of the case law, she absolutely agrees – she thinks the current Charter is a problem and she thinks this proposed amendment makes it even worse. She said she would recommend, and would respectively request that there be a thorough review by our Charter Council on this issue as she thinks this has a huge impact on Cities as well as the County. Ms. Barker added that Cities have a big interest in the County's budget, and the reason for that is that they share and partner a lot. She said when the County can't provide something; they usually end up doing it. Mr. Barker stated that the County can do what they need to do as it is important, but once again, she would respectively request they we get a thorough legal review of that Charter amendment.

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

Peter Fusscas – Mr. Fusscas said he agrees that this is a very interesting subject. He stated that if CPI – if it's a cut-off – it's questionable, but suppose it's a trigger requiring a super majority to exceed, is that.....

Al Schwarz – Attorney Schwarz stated that they took a look at this in light of the Ellis vs Burk case where they went into the Constitutionality of some of the provisions. He said what ended up happening was a discussion –it appeared that there was a reference to super majority in case of emergency, and what they are trying to figure out and they would like to talk to the County Attorney about, is what was placed in here as a result of that case. Mr. Schwarz said this goes to Commissioner Nelson's point, - what was done, or what changed, or what adjustment was made based on that case. He added that he thinks it would be very helpful for them to look into the history of what happened to this particular section, look into the constitutionality, do a review of it and discuss it, as he feels that is important for future discussions on this, especially this provision.

Peter Fusscas – Mr. Fusscas said he is sympathetic to the taxpayer of course, as we all are, but he can see that if your are operating your municipality very, very efficiently and tightly, any outside economic activity that happens due to no fault of your own, drops you below CPI, you are in deep trouble. He stated he was just wondering if there is a way to accommodate both the taxpayer and municipal or county government.

Al Schwarz – Attorney Schwarz said that is something they can look into.

Kendall Moore – Chairman Moore asked Mr. Fusscas if he, or anybody else for that matter would like to make a motion relative to how you are directing the legal staff - as he wants to make clear what he is specifically being asked to do regarding this issue. He said he has heard several people comment on what they would like to see, and we certainly want him to come back with something in terms of what this Board is asking him to provide.

Al Schwarz – Mr. Schwarz stated that is a helpful suggestion perhaps, adding that one of the places he would start, is to find out what had happened previously, in other words, how did we get to where we got to as far as how the Charter reads now in light of the litigation that you've had in the past. He thinks that may shed some light as to how they dealt with it, and then we can talk about the constitutionality, and if you want them to specifically look at the CPI, they can take a look at that as well.

Peter Fusscas – Mr. Fusscas stated trigger CAP, super majority to override it, or for that matter, any other special requests that comes before the municipality could be addressed too, if there is a super majority on the council to authorize it.

Kendall Moore – Chairman Moore as Mr. Fusscas if that was in the form of a motion....

Peter Fusscas – Mr. Fusscas said he is not good at motions.

Kendall Moore – Chairman Moore asked if someone would like to make a motion in terms of directing the attorney.

Tom Jenkins – Mr. Jenkins stated he would make a motion that the attorney review the historical perspective of how we've gotten to where we are, and depending upon what he finds there, to review the constitutionality of the current language.

Peter Fusscas – Mr. Fusscas said he will second the motion.

Kendall Moore – Chairman Moore asked for discussion on the motion.

James Rosasco – Mr. Rosasco said he is not sure about the benefit of the history as to how we've gotten here, the question he has, is it legal or illegal. He stated that he doesn't care how we got here – we're here. He stated that he is concerned about the legality of it.

Tom Jenkins – Mr. Jenkins stated that he thinks the history will help our attorney in determining whether or not it is legal.

Al Schwarz – Mr. Schwarz said there is some benefit just to getting a little bit of history to see what was done here in light of the case.

Kendall Moore – Chairman Moore stated that in light of what Mr. Steele said, there was obviously a discussion about this at some point, and there was an attorney here at that time that made some technical judgments, there were discussions from this body, there was a court case, and he thinks that all of this likely led to his ultimate legal conclusion. Mr. Moore asked if there was further discussion. He recognized Mr. Young as wanting to speak on this matter.

Dale Young – Mr. Young stated that he thinks there are some misconceptions here, of course we have a constitutional panel that looks over everything that goes on the ballot, so they've already ruled on that, and they said it was constitutional. He said he thinks there has been some misreading of the Florida Statute and the Constitution, but we will leave it up to our attorney. Mr. Young stated as far as emergency, he keeps saying for the third time, it is covered in here – if you have an emergency, you can vote all the money you can find, so this doesn't affect emergencies. He said also as far as the Cities go, it seems to him that the last go around with the Charter, the Cities had an "opt out" of anything that we passed here, so this doesn't affect them unless they want it to. Mr. Young added that he does not know if that is a true reading or not, but he was surprised to find out that jobs are an expense. He stated that he had been thinking EDC was our savior, and now he's being told that all these jobs that are coming are going to be a big expense – boy, that's good news. Mr. Young said one other thing is that the CPI does not cover new construction, new construction is not covered under that limitation – new revenues are new construction and higher assessments – that is what every City and County get. This doesn't affect those – you are still going to get your increases, and they are considerable, they go to 6-7%, so he can say there has been a lot of discussion that is way off base.

Kendall Moore – Chairman Moore recognized Mr. Steele.

Jason Steele - Mr. Steele stated that what is way off base, is by continuing the way we are going, and you have an emergency, it is only good for one year, there is no reoccurring income that can come to this County.

Dale Young – Mr. Young asked how long the emergency is.

Jason Steele - Mr. Steele said it just depends; it could be for a long period of time. He stated that the issue is that you are going to need reoccurring income for this County, and by continuing on with the CPI the way it is, it is not in the best interest of the County, as it hand cuffs us of economic development, and areas of growth. He stated that we can vote out a County Commissioner if we think that they are not being efficient with our taxes, but to hand cuff this County in regards to reoccurring income, that could be used for the growth of this county in a proper fashion is wrong. Mr. Steele said he understands where he is coming from, but he disagrees.

Kendall Moore – Chairman Moore recognized Mr. Oliver as wanting to speak to this issue.

Cole Oliver – Mr. Oliver stated he is having a hard time seeing what the change is if we are going to limit it to CPI, and not remove the emergency funding as Mr. Young was saying. He said he thought 2.9.3.1 already limited the lesser of 3% or CPI, so if it just went to CPI, if the CPI goes to 4% one year, then the County budget goes to 4% - are we removing that 3% cap?

Kendall Moore – Chairman Moore said if he recollects, the original motion on constitutionality, was as it currently reads, not the proposal. He asked Mr. Schwarz to help us out on this. Mr. Moore stated that we would be judging the constitutionality of the fact that there is a limitation in the first place, and then because there are two, it is a bifurcated system. He said that he will use the terms that Mr. Fusscas used, “there are both triggers and exceptions”, and his expectation is that you would cover all of those. He asked Mr. Oliver if that answered his question.

Cole Oliver – Mr. Oliver replied no, as his was to the original proposal. He said he thinks he'll leave what he said standing, adding that he doesn't have any issue with sending it to review the constitutionality of the language.

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

Dale Young – Mr. Young said the current section or item only deals with ad valorem taxes.

Kendall Moore – Chairman Moore stated that the intent of Mr. Young's proposal was to expand to include all taxes as opposed to just the one currently specified in the Charter, and he as Mr. Young if that was correct.

Dale Young – Mr. Young replied yes.

Kendall Moore – Chairman Moore stated that he thinks we asking a legal opinion on current and then the future proposals would address expansion, so he is assuming, after this motion we will be back to Mr. Young to discuss how we will dispose of that or whether we will wait of the future folks or whatever Mr. Young decides relative to his proposal. He asked if there is further discussion.

Tom Jenkins – Mr. Jenkins said just for clarification, what Mr. Young is trying to limit would be sales tax, gas tax, and tourist development tax – those are the things he is trying to put the cap on.

Dale Young – Mr. Young stated EEL's tax.

Tom Jenkins – Mr. Jenkins said EELs tax is ad valorem –they've already got the.....

Dale Young – Mr. Young stated – you're right.



Kendall Moore – Chairman Moore asked if there was any further discussion. He said in seeing none, he asked that those in favor of the motion, please signify by raising your right hand, those opposed by the same. Mr. Moore noted for the record, that Mr. Sorensen left the meeting during this discussion, and there are now thirteen members present and voting. He said the motion passes unanimously to have the attorney review the historical perspective of how we've gotten to where we are, and depending upon what he finds there, to review the constitutionality of the current language.

Dale Young – Mr. Young said he would like the Board to consider tabling his proposal if they want to have more discussion.

Tom Jenkins – Mr. Jenkins how does that CAP provision relate to referendum voter approved tax increases that could be beyond that.

Chuck Nelson – Mr. Nelson said that so far they have been exempted from that because they were voter approved.

Tom Jenkins – Mr. Jenkins stated he doesn't believe there is any language in this.

Chuck Nelson – Mr. Nelson said he is not sure where that opinion came from but.....

Ron Bobay – Dr. Bobay asked if somebody could clarify for him – was there a stand alone referendum on this item.

Chuck Nelson – Mr. Nelson said on the change to the 3% there was.

Henry Minneboo – Mr. Minneboo stated yes, on the 3% there was.

Ron Bobay – Dr. Bobay said not embedded in the Charter – it was a stand alone referendum.

Kendall Moore – Chairman Moore stated that he believes that is where Mr. Schwarz was going with the historical context.

Al Schwarz – Mr. Schwarz said that is why he wants to get the history, as they know there have been quite a few things done here, and they want to get the facts, adding that this will educate everyone as well.

Kendall Moore – Chairman Moore asked Mr. Young how he would like to dispose of his proposal.

Dale Young – Mr. Young said he would move that his proposal be tabled until we hear from the people that you want to bring in to speak, providing it is before April.

Jack Ryals – Mr. Ryals stated he would second the motion.

Kendall Moore – Chairman Moore said there is a motion by Mr. Young, and seconded by Mr. Ryals to table the proposal. He asked that all those in favor of the motion, please signify by raising your right hand, and those opposed by the same. He said the motion to table passes by a vote of 10:3, with Cole Oliver, Henry Minneboo and Tom Jenkins voting nay.

Chairman Moore stated that those are our proposals for today, but we do have our public comment section, and he asked if there was anyone in the audience who would like to be heard. He asked them to state their name for the record and their affiliation, adding that they have 3 minutes to address the Board as they see fit.

Pam LaSalle - Ms. LaSalle stated that she has no affiliation, has not received any money from the government trough, and she probably represents the average citizen. She said that she feels like she steps into a parallel

universe when she comes into this building. Ms. LaSalle stated that what she has to talk about, you all may think that this is not your responsibility, but she thinks it is, because somebody needs to look at the big picture. Ms. LaSalle said it appears that this body seems to look at the whole picture, more than anywhere else she has been to address her concerns, in fact, she feels that all she does is butt her head on this issue. Ms. LaSalle stated that she is an animal welfare advocate – there is a big distinction between animal rights advocate and animal welfare advocate, but she won't waste your time on that. She said in the wee hours of yesterday morning, she viewed a U-Tube video presented by a very credible veterinarian in Volusia County, and her name is Judith Milcarsky. Ms. LaSalle stated she was just shocked by the information that she obtained from this video. She said she doesn't know if the Board is familiar with a program called "TNR", but it has to do with feral cats, where they trap, neuter and release them into the community. She said she as considered that if ever there was a socio-economic disaster that these animals would become food. Ms. LaSalle stated that in Volusia County, they have become food for the homeless people as they are capturing and eating the feral cats that are being released into the community. She stated that she has advocated repeatedly, as Commissioner Nelson can attest, that she is opposed to this. Ms. LaSalle said last week the Sheriff, in her view covertly, brought in an organization named "Target Zero" that tried to come into their community over two years ago. She said that they have assured them that there is no money involved, and she has researched this organization quite a bit, and if you don't sell them for monetary exchange, you sell them your freedom. Ms. LaSalle stated that she knows there are homeless encampments in Brevard County as they have seen the people come and go from them, and she thinks this very thing is likely happening here. She added that she also thinks this issue is about to reach critical mass. Ms. LaSalle said there has been no discussion, and there was no advisory board, but she would think this body could look over. She said they have read the constitution, and something needs to be done because the whole works is clogged up over this. Ms. LaSalle stated that she thinks someone along the way is not representing the average citizen at all and she thinks as this comes out more and more, this is just going to be tragic.

Maureen Rupe - Ms. Rupe stated that this is against the law, and she asked if she notified the State as there is a law called "Cruelty to Animals Law".

Pam LaSalle – Ms. LaSalle said well yes, that's true, but you have to catch them doing it. She stated that from her perspective, she thinks "TNR" is cruel and inhumane to throw an animal out to survive on its own. She said she has sat in a feral cat colony, not because she wanted to, but because it was next to the animal shelter, for over a thousand hours while her husband walked dogs at the shelter, and there is nothing that is humane about a feral cat colony.

Maureen Rupe - Ms. Rupe said sometimes when the feral cats are left on their own, kid's torcher them and do all sorts of horrible things to them. She said it is time here in Brevard County that something be done. She stated that she does not know about the Charter Review, but maybe the County Commission.

Pam LaSalle – Ms. LaSalle stated that the Florida Wildlife Commission says that they are against releasing feral cats.

Maureen Rupe - Ms. Rupe said the thing that she has found is you have to keep on, and on – just don't give up. She added that it takes perseverance to change anything.

Kendall Moore – Chairman Moore asked if there was anyone else in the audience wanting to be heard. He said in seeing no one, he stated that it is time to adjourn. Chairman Moore said let the record reflect that the meeting adjourned at 4:38 p.m.



















































