

CHARTER REVIEW COMMISSION MEETING

Thursday, September 23, 2021

3:00 p.m.

Brevard County Government Center

2725 Judge Fran Jamieson Way

Viera, Florida 32940

Building C, Florida Room

A. Call to Order

Mike Haridopolos:

Why don't we start with the roll call if we could?

B. Roll Call-Melissa Brandt

Robin Fisher (District I) -Present

Kendall Moore (District I)-Present

Marcia Newell (District I)-Present

Mike Haridopolos (District II)-Present

Marie Rogerson (District II)-Present

Blaise Trettis (District II)-Present

Billy Prasad (District III)-Present

Bob White (District III)-Present

Tom Jenkins (District IV)-Present

Cole Oliver (District IV)-Present

Sue Schmitt (District IV)-Present

Jordin Chandler (District V)-Present

Vic Luebker (District V)-Present

Dave Neuman (District IV)-Absent

Matt Nye (District III)-Absent

Staff Members Present- Jim Liesenfelt, Stephen Darling, Abigail Jorandby, Melissa Brandt, Summer Wylie

Melissa Brandt:-Let the record show that we have a quorum.

Mike Haridopolos: Fantastic, thank you very much.

C. Approval of Draft Minutes from August 12, 2021

Mike Haridopolos: In front of you right now as everyone sees, there is a few things, we have what I have asked the staff to do for us was to put together a list of proposals that were actually introduced back in 2015-2016 so that you would have a feel for what might come across our plate in the coming months. And so, you will have the ability if you haven't looked at those already to peruse those.

Sue Schmitt: I can't hear you very well.

Mike Haridopolos: It's on, I will get closer to it. That better? Okay. What I put in front of you with the help of the staff and you probably saw the email on it is of course the list of proposals from 15-16 so you can get a better feel for what might come across our plate over the next few months, and if some of these are of interest to you or of concern to you, at least you will have those at your ready hand, and of course the staff has a more full analysis of those if you wish to look at those further as well. Also of course we have the Rules of Procedure that were given to you, and finally of course the draft minutes from our initial meeting back in August. Are there any concerns from the meetings of our last meeting, or is everyone okay with those? Thank you, sir, so I will entertain a motion. Motion approved, we have a second, all in favor say "Aye". "Aye" (unanimous), it is approved. All right, moving on.

D. Request for Qualifications for Legal Counsel

Mike Haridopolos:

The main issue of course is the Request for Qualifications for Legal Counsel, and I believe we have six firms with us today who will make a brief presentation and more than anything else, we have asked to work through a Q&A session that might expedite matters. And if we have a decision made we even have the ability to potentially even negotiate that as well. Do we want to start at the top of the list? Is that, I think Gray Robinson is the first that is here today?

Stephen Darling:

If I may provide some instructions.

Mike Haridopolos:

That would be great, please do.

Stephen Darling:

Thank you, Sir. As requested we put out an RFQ on Thursday, August 19th in accordance with

Mike Haridopolos:

I think you might want to get closer to the mic too.

Stephen Darling:

with procurement policy. We received five submissions all of which were sent to all the committee members on September 10th. Today the members of the CRC will need to discuss responses received. As requested in the RFQ. we requested firms proposed lead attorneys be present today for a Q&A from the committee. Each firm was notified of the meeting and asked to have representation here today. The committee is free to ask questions to each firm.

During the discussion, and you can ask those questions either before or during the discussion. During discussion, the CRC members may discuss anything contained within each proposal. Members may not discuss or disclose how they are going to rank any firm numerically, and you may not discuss your scoring. Upon the conclusion of the discussion, the CRC members will independently evaluate each submission on the scoresheet provided and upon completion of your individual scoresheet staff will confirm scoring and announce the rankings from highest to lowest. Upon receiving the rankings and announcing those, if the CRC wishes to enter into negotiations with the highest-ranked firm today, we can do so. We will excuse all the public and the other firms from the meeting at that point in time because negotiations are closed and reopen the meeting back up afterwards. Negotiations would be centered around an hourly rate for team members and lesser rates for associates as previously done. If negotiations are successful, we will look for a motion from the Board to entering into a contract with a firm based on successful negotiations and I will take that to the Board of County Commissioners as a recommendation for final approval. In lieu of negotiating today, the CRC may motion to shortlist a number of firms to come back and do a subsequent presentation with Q&A if that is needed. Last option available to CRC would be to recommend a rejection of all proposals received to the Board of County Commissioners. So, with that if you guys don't have questions.

Mike Haridopolos:

Great any questions? We have the firms, five of them. What I will ask them to do as recommended, if you would like spend a minute talking about the firm. And then we will open up to questions. All I would ask for members of the committee if you can raise your hand we can keep it orderly and move forward. With that, we will have the team from Gray Robinson come forward it is at the top of the list.

Gray Robinson Law Firm

Tom Wilkes:

Thank you Mr.Chairman, if I may take off my mask. I think your list says Heather Ramos was going to appear from Gray Robinson. I am not Heather Ramos, she is my partner, we are a team. Heather is under the weather today, and did not want to come with upper respiratory infection symptoms she is experiencing so she asked me to step in. Which is very much like the way Heather and I have practiced law together for twenty years. We are a team. If you hire one of us, the reality is you get both of us. Because if one is not available and you need us to do something, the other is ready to step in. Heather and I do primarily almost exclusively governmental work representing governmental agencies. Cities, occasionally we will do special counsel work for Counties. We also represent a number of governmental agencies. Such as Space Florida, here in Brevard County. And the North Brevard hospital district, Parrish Medical Center. Heather is the City Attorney for two cities, Howie in the Hills and the town of Windemere. She has worked on their Charters, both of them have twice revised Charters, and also done separate Charter Amendments. So, she is not a stranger to the Charter amendment process. And is very

experienced in governmental work and I am proud to say she is very good. I try to claim that I am the person that mentored her although that can be disputed.

I have extensive amount of experience with county law, with county government. I was Orange County Attorney for 12 years from 1990-2002. I am a contemporary of Scott Knox and Eden Bentley, now your County Attorney, and would hope she would say we were good friends. I watched Eden grow up in Brevard County in the 90's. It didn't surprise me when she became the County Attorney.

As far as Charter experience goes, I have served in your seat on Charter Commissions in Orange County in 1986, 1988 and 2004, and as the County Attorney we did several Independent separate independent Charter Amendments. Some pretty substantial. One that banned casino gambling 1996 once and for all in Orange County without citizens approving at referendum. If some of you remember your history, Senator Haridopolos, if you remember your history, in the 90's the Casino companies were trying mightily to get casino gambling approved in Florida. Frankly, once Orange County passed that amendment, which was quickly followed within a year or two by Seminole County and Osceola County, likewise passing those casino gambling Amendments with the same language in their Charters. The gambling industry packed up and disappeared for a good 12, 14, 15 years. It seems to be back now, but it was very effective amendment that we enacted. Also did amendments to minimize the adult entertainment which seemed which was a long- time problem in Orange County. Also Charter Amendments to address school overcrowding. With that, we have on our team Andy Bartos who is a governmental litigator, representing a lot of public entities such as elections law, redistricting and appropriations and the like. And, finally another member of our team, Julia Mandel, former city Attorney- Tampa Office, she will assist us if need be.

Mike Haridopolos: Perfect, Questions? All right, back in high school, no questions. (Laughter)

Thank you very much for that presentation, I know everyone read over the documents that were sent out over the week, and we'll move on to the next group, Waugh Grant. Welcome.

Waugh Grant PLLC

Christian Waugh:

Thank you, Sir. My name is Christian Waugh. And I am here with my partner Gerard Grant, and we are here on behalf of the law firm Waugh Grant. Our main office is in Orlando. Thank you for inviting us to present to you today. I am a board- certified real estate lawyer. Mr. Grant is a board- certified tax lawyer. You will note in your Charter, that Article V has a lot of taxation issues, so something that we bring to the table that we feel very strongly about is tax expertise that you may need in determining whether or not you have a ballot question. One of the other things we bring to the table, you heard Mr. Wilkes, who I interacted with when I was on the Charter Review Commission in Orange County say, I also was a member of the Charter Review Commission in Orange County in 2011/2012. So, I know what it's like to be you. I especially know what it's like to be you because I had to hire the lawyer for our committee. We hired the Vough's law firm which I

believe advised you six years ago. I don't know how many of you were on the commission then. But if you are familiar with the work of that past Commission, then you will be familiar with our work; it is detailed. We understand that we have to be your insurance policy for understanding what may be legal, what may not be legal while you remain the decision makers.

In terms of our current experience in government law, we are both government lawyers in different capacities. Currently I am the City Attorney for three cities: Hilliard, Florida which is Nassau County, Pearson Florida in Volusia County, Callahan, Florida, Nassau County. We have been involved in amending the Charter in all three of those cities. Mr. Grant has been Assistant city Attorney in the City of Atlanta. Is eminently familiar with bond disclosure issues, bond issues from your Article V, Advolrem tax issues . I will turn it over to Mr. Grant to say something if you would like?

Gerard Grant:

Thank you very much, good afternoon. As my partner Christian eluded to, I have experience working as an Assistant City Attorney for the City of Atlanta. I would say that is probably the largest municipality that issues bonds in the Country, and on many occasions, we would have a lot of issues and questions with concern to revenue raising, taxes, Advolrem taxes, sales taxes, and not to take up too much time, but as Christian obviously indicated our combined experience gives a very diverse unique set of skills that we do feel would be immensely helpful for this group. Thank you.

Christian Wau:

To wrap it up, you are well served by whoever you select today. Everyone is a fine lawyer. For us, this is not one more contract for us, this is not one of thirty cities we are going to do. This is the CRC job for us. It would be an honor to represent you.

Mike Haridopolos: Thank you for the presentation. Are there questions? All right, thank you gentlemen. Appreciate it. Next, we have Weiss, Serota, Helfman, Cole and Bierman.

Weiss Serota Helfman Cole and Bierman

Paul Gougelman:

Good afternoon, Paul Gougelman. Some of you I know and some I don't. I did not go around and say hello to some of you I know before the meeting. I didn't want to interfere with any of your formalities, or have contacts with any of your members. Our firm predominately local government firm between seventy and eighty attorneys. On the other hand, I would be the lead attorney. I am also a Brevard County Resident in district five, for those of you who are district five appointees. I will tell you that I am currently celebrating my 40th year of practicing law. A majority of that has been in the area of local government. I was the city attorney for Melbourne for eighteen years. I have been and continue to be attorney for the town of Indialantic for thirty-two years. Melbourne Beach, I was attorney there for twenty-five years, and Cocoa Beach for three years. I was a member of the Seminole County Charter Advisory Committee in the late 80's. I was on the original Charter Commission that wrote the Charter we are living under today back in

1993,1994 and I was also on one of your Charter Review Commissions. Last but not least, when the County Started down the road of having an attorney review panel, I was on that first attorney review panel. I do have experience in Brevard County. I have nearly 40 years of experience in local government practice. Quite a bit of dealing with Charter Government. I also have, I think an understanding of Brevard County having lived here for twenty-seven years, moved out of the area. I am back, glad to say. Last but not least to tell you briefly about some of the people on our team. We have included Milton Collins, labor attorney. You may not need a labor attorney, but then again, I have no idea what you are looking at as members of this panel. Maybe some employee related issues. Milton practices exclusive in the area of labor law. He is our youngest panel member of our team, having been practicing for thirteen years. Other members: Lori Smith- Lalla, she was in house bond attorney for Broward County. As the package distributed to you indicates was involved in some huge bond issues and is well familiar with County taxation and financial issues. We included Jamie Cole, who has been City Attorney for numerous cities in South Florida. The city of Hollywood and Miramar among them. Jamie had a lot of experience dealing with Charter litigation. Last, but not least, my Deputy, if you will, if we are lucky enough to be picked by you all, will be David Tolces who served for Charter Review Attorney for Brevard County twice, and is also a seasoned local government attorney. At this point, I will be happy to answer questions. I thank you for your consideration.

Mike Haridopolos:

Thank you, Questions? Thank you very much.

Paul Gougelman:

Thank you for going easy on me. (laughter)

Mike Haridopolos:

Next, we have Paul, Elkind, Branz and Paul. Welcome.

Paul, Elkind, Branz and Paul

Darren Elkind:

Thank you. My name is Darren Elkind. It is my pleasure, I had intended to stand up here before I got here today and wow you with my qualifications, but now having been the fourth person, I will rely on what I put in the response to the RFQ. Except to say that I, and the one other partner who will work on this team are both board-certified city and county local government law. The one thing that I can tell you that for both of us is that representing city, I have been doing it for twenty-six, over twenty-six years now. Working with your staff members, working with City Clerks, I understand, we understand, the importance of the well written clear Charter that works for the folks that have to live by it every day. That is an important thing, we understand that. We have represented between us, a number of cities, we deal with Charters on a regular basis. If you have a question, we will be responsive to it. We will get you what you need and good quality legal answers to your questions. I will tell you one of the primary reasons I responded to this RFQ is

that I recently served, is that somebody reached out to me, I said yes, I was a facilitator for the City of Oveido's Charter Review Committee. Their Charter was simpler than yours is and felt like I did good work and helped the people to work through a process that could have been contentious quite frankly amongst the group. That is the reason it would be my pleasure to work for you. I can take the stress off of your decision, because I know whoever you choose, you are going to be well served. .

Mike Haridopolos:

Thank you very much, No questions? Our final presentation is by Shepard, Smith, Kohlmyer & Hand

Shepard, Smith, Kohlmyer & Hand

Cole Shepard:

My name is Cole Shepard, and this is Patrick Brackins . We are with the firm Shepard, Smith, Kohlmyer and Hand based in Maitland Florida. We are both Board Certified in city, county, and local government law. I have been practicing law for thirty-seven years, and Mr. Brackins for over fifteen years. Our firm is heavily centered on local government law, although it is not all that we do. If you have been to the website, which perhaps you have, you will note a number of other areas , all of which will help serve us in helping serve you. Most recently speaking about credentials, just recently I am general Council to the Orange County Charter Review Commission who you have heard several folks speak about.

That assignment went on over a year and a half and included litigation. One of the things you asked about in your proposal. Which ended up in dismissal as the Charter Review Commission as a party to that litigation.

I am also listed as one of the best lawyers in America for the area of Administrative Practice. My friend here Patrick was listed as up and comer rising something, I don't know, you know they make up, I don't know what it is. And by the way as has been said, you have a very qualified group here. I would venture to say that none of them had a Charter Review Commission meeting last night, but I did, and will have one this afternoon, I will. I am also doing Charter Reviews currently with Jax Beach, Ponce Inlet and Maitland. So, this is something that we do a lot of which should be reflected in our proposal. There is a ton of similarities between your Charter and Orange County Charter. As a result, having literally just completed that process earlier this month, I don't think you will find anyone more familiar with what you currently have and the process that goes into changing it than me and our firm.

During the process with the Orange County Charter Review, both Patrick and I, and a third lawyer, Jacob Shumer attended multiple meetings, sub -committee meetings for various topics which is the way they worked, and were involved in drafting the titles, the summaries the actual amendments, getting them on the ballot, fighting litigation that was filed before the ballot to try to keep them off the ballot, succeeding and then passing by eighty-eight percent in one case, and then defending litigation against one of those items. So that is what we do. Our references have all been checked we think you will find they

are all stellar. And we look forward to working with you if that is the opportunity that is provided to us. Thank you.

Patrick Brackins:

My name is Patrick Brackins born and raised in Indian River County. So, while you are my neighbor it gives me a chance to get home more often than I would like. Another thing I would like to say, that we focus on at every one of our meeting that Cliff talked about some of the litigation that arose. You all are the policy deciders. You now what you want and need for your County. Our job is to help you get there. We have the experience to do it. Thank you.

Mike Haridopolos:

Thank you. Any questions? Thank you very much for five different firms for making the presentation. Before we get into the scoring on it, are there any comments or suggestions you want to push forward as a committee before we kind move forward?

Vic did you have a question? Okay.

In front of us is a score sheet. As was mentioned earlier by staff, we can of course put these scores together, once the scores, before we turn the scores in, what is the pleasure of the committee? Would you like to have the top three come back and answer questions, or would you like to proceed with whatever firm gets the highest score and move forward?

Blaise Trettis:

I would like to proceed with highest scoring firm today.

Mike Haridopolos:

Exclusively?

Blaise Trettis:

Yes

Mike Haridopolos:

Okay. Anyone else have any suggestions beyond that or is that something. Vic?

Vic Luebker:

Mr. Chair, I think potentially the Board would want us to look at all of the top three. If it comes back (inaudible)

Mike Haridopolos: Other suggestions, or any comments? So, we have two proposals on the table. Who would like to have the top three move- forward, raise your hand.

(1) Who would like to have a single proposal move forward, raise your hand please (11)

All right it looks like we will go single at this point.

So why don't we go to recess for this time as we go through this and we will continue the meeting once we turn these in and ask the staff to rank those accordingly. We will take a 10- minute recess and proceed.

BREAK IN MEETING

Mike Haridopolos:

Each will score one through five, the lowest score will clearly win. Once the lowest score is announced, we will ask the public to leave at that point and open negotiations with whoever has the best score. If we are able to work out something today, we can move forward, if not we can figure it out from there. But we will just stand again in formal recess until they tabulate those numbers.

BREAK IN MEETING FOR TABULATIONS

Mike Haridopolos:

I know it is a lot of work to do that, we appreciate it. As mentioned by each one of the folks who made their presentations, truth was all five were highly qualified. Thank you very much for making the time for us and putting the effort in. With that if you want to announce the totals that would be fantastic.

Stephen Darling:

Yes sir, thank you. The highest- ranking firm was Weiss Serota Helfman Cole & Bierman. They were ranked number one. Two, Gray Robinson, number three was ,Shepherd, Smith, Kohlymeyer and Hand, number four was Wau Grant, and number five was Paul, Elkind, Branz and Paul:

- 1) Weiss Serota Helfman Cole & Bierman
- 2) Gray Robinson
- 3) Shepherd, Smith, Kohlmeyer and Hand
- 4) Wau Grant
- 5) Paul, Elkind, Branz and Paul

Mike Haridopolos:

With that, congratulations to the successful firm. With that we are going to clear the room of the public so we can open up a negotiation with the number one- point total. If we could please ask them to do that, that would be fantastic. Thank you.

Stephen Darling:

And if we could ask to stop the broadcasting

Mike Haridopolos:

And we are going to stop the broadcasting. I am not used to that.

Broadcasting on Pause for Negotiations:

Mike Haridopolos:

On our last review commission, we had a rate of 150 per hour legal team and 75 staff....flat 500 for travel Is that correct? Are you well aware of this ? That is the rate we would like to offer your firm as well.

In addition to hourly rate, the firm may submit to the County an invoice, any reasonable fees, we wanted to see if you would be willing to take that same number.

Paul Gougleman:

Mr. Chairman, I would like to counter that. If there is any litigation involved. We charge \$250 an hour for our municipal clients. Some who have been with us for years. It would be \$ 250 an hour such as research or other things that would take place outside of this meeting. I would like to do this quite honestly. Flat rate for meetings, which would include rate you quoted of \$500 was fine. If there is litigation involved, I would like to get the full \$250 per hour, and time for our partners exclusive to this meeting \$ 225 Non-litigation would be \$ 225.00

Unidentified:

So, I have a question: You indicated there would be no staff time. It sounds like you as the lead attorney or other attorney's will be doing all of the research, so that doesn't really work to our advantage does it? If there is no staff time at \$ 75.00 or lesser per hour. It doesn't benefit us does it?

Paul Gougleman:

Well it actually does. Each firm is actually different, but what you find is that some firms, that they will charge for computer time to prepare documents for example. That's staff related. Those charges do apply. In the past, for this group, I really don't know what staff time was. What I am telling you is that we just won't charge you for staff time. I think it does work to your advantage.

Unidentified:

I would like to ask our friend Mr. Liesenfelt, do you have a breakdown? Like hours or scope of work?

Jim Liesenfelt:

That is what I am trying to look for, I pulled files from our sights. One month it was forty hours for attorney and thirteen for staff. Then thirteen and nine hours. This might not be the best example as we did not have any proposals that actually passed the committee. So, there may be more hours than that. The idea is that there are more attorney hours, not staff.

Mike Haridopolos:

Can we be excused for a minute while we discuss this and ask for you to step out, and we will ask you back in after we discuss this?

Paul Gogleman:

No that is fine

Mike Haridopolos:

Thank you so much.

Mike Haridopolos:

Other considerations or questions?

Sue Schmitt:

I don't have any problem with the \$ 225.00, I mean everything let's face it goes up. What was good ten years ago, or five years ago is not good today. Certainly, the attorney's know that. And anyone that has dealt with attorney's, or the attorney's here today know that. I think it is reasonable. He may even want to look at saying \$ 500.00 for a meeting? If we get wordy on an issue. He may really regret that. He may say up to so many hours, or whatever.

Mike Haridopolos:

I think that is a great point, that is why I wanted to start negotiations on our behalf, that is why I started with \$150.00 because sometimes they might say yes. (In audible).

I think it is great he is willing to do it at that rate. Is everyone okay with his counter offer then? Based on what we heard. Stephen any other additional comments then?

Stephen Darling:

No, when we bring him back in, if you guys are good we will look for a motion to accept those negotiations and then we will draft the language to present to the Board during the October 12th meeting. And then assuming they agree then it is done.

Mike Haridopolos:

Jim, any suggestions or are you good with that?

Jim Liesenfelt:

No Sir, we are good with the suggestions.

Mike Haridopolos:

Before we bring him back, I don't think there are any pressing issues for October 12th?

Stephen Darling:

October 12th is the Board of County Commissioners meeting

Mike Haridopolos:

Not ours, so if we don't have to have a meeting on the 12th right?

Stephen Darling:

No that is just when I would take it to the Board. The only issue then is if the Board doesn't accept the recommendation, they might have staff come back and we will go through this exercise in your October meeting, whichever date that is scheduled for.

Mike Haridopolos:

If the Board rejects on October 12th, I want to make sure it is clear. Would they require us go to number two to check that out, or would we have to re-do the whole process?

Stephen Darling:

That is going to be the Board's decision. They will provide me direction, either go back out and advertise it, or bring it back to the Board and let you guys go, you know re-evaluate, go to number two. We will ask them for direction if that's , if they don't accept.

Tom Jenkins:

I was just going to ask when you take it to the Board of County Commissioners will you explain our rationale, that he is not charging us a straight fee, fairly modest charges and give the logic?

Stephen Darling:

Yes Sir, we will summarize the meeting and the conversation as to why we are at where we are at.

(In audible)

Mike Haridopolos:

Was it a close first and second, or was it pretty clear cut?

Stephen Darling:

He had eighteen points. Fifteen points would have been a unanimous number one. He had eighteen. And then number two had thirty-one.

In audible

Cole Oliver:

I was also going to say, Stephen and Jim one of the things you anticipate is that you might get questions from the Board. One of the things that stood out to me is that Because this is less than the last time around and because we payed a flat fee and an hourly fee. He is just charging us a flat fee, making that case I think will really help.
(inaudible)

Bob White:

Wasn't he the only local firm we were considering?

Blaise Trettis:

Gray Robinson is local, they have a branch here.

(inaudible)

Mike Haridopolos:

All right, well let's invite Mr. Gogleman back in and tell him that we accept his offer and we are going to bring this to the County Commissioners on the 12th of October.

Stephen Darling:

Okay, I will be right back.

Over the Audio Sound:

Are we Broadcasting yet?

Stephen Darling:

No not yet.

Unidentified:

Mr. Chairman I move to accept the proposal given by Mr. Gogleman

Mike Haridopolos:

Without objection, I show that adopted. Congratulations, thank you so much you are a really good negotiator. You got us so we look forward to working with you. I know on October 12th, there will be a County Commission meeting to approve this and then with that successful vote, we look forward to working with you. So, thanks again for making the time and we look forward to working with you.

Paul Gogleman:

I look forward to it. If you are going to discuss when your meeting times are going to be, I think I will want to hang in there just to, I don't want to run into any conflict.

Sue Schmitt:

Just to ask him to possibly attend the County Commission meeting on October 12th

(inaudible)

Mike Haridopolos:

Do you happen to know the time of the County Commission Meeting?

Stephen Darling:

It is a night meeting, so five.

Mike Haridopolos:

So, if you want to attend on that day and time, that might be a good idea.

Paul Gogleman:

Thank you, I appreciate that.

(Off mic)

Mike Haridopolos:

Good suggestion by our Vice Chair to have a roll call, to actually make this cleaner.

Broadcast

Mike Haridopolos:

Selection of our firm that has been selected for our legal team. If they could call the roll.

Robin Fisher (District I)-Yes
Kendall Moore (District I)-Yes
Marcia Newell (District I)-Yes
Mike Haridopolos (District II)-Yes
Marie Rogerson (District II)-Yes
Blaise Trettis (District II)-Yes
Matt Nye (District III)-Absent
Billy Prasad (District III)-Yes
Bob White (District III)-Yes
Tom Jenkins (District IV)-Yes
Cole Oliver (District IV)-Yes
Sue Schmitt (District IV)-Yes
Jordin Chandler (District V)-Yes
Vic Luebker (District V)-Yes
Dave Neuman (District IV)-Absent

Mike Haridopolos:

All right. By your vote, we have approved the firm. We will have their final vote with the Commission on the 12th of October.

All right moving to our next item we have Rules of Procedure, I think everyone has a piece of paper in front of them.

Stephen Darling:

Mr. Chairman, we are going to open it back up to the public.

Mike Haridopolos:

That is great. Okay.

E. Rules of Procedure

Mike Haridopolos:

We are going to move to letter E for Rules and Procedure. Rules as amended back in 2015 for the same Commission. Again, I will open it up to the floor if there are any questions about those rules. Anything you have concerns about. If not, we can move forward. Yes, Blaise.

Blaise Trettis:

I think the rules are good overall. I think there might be a reason to change at least one maybe two of the rules. But what I disagree with is on Rule Sixteen which is the number of Commissioners that must vote to approve a change in these rule amendments, which is a super majority of ten in what has been used before. And a quorum in Rule Seven is only a majority of course which is Eight. I don't believe there should be a super majority required for this committee to change rules or procedures especially since this committee did not draft these rules of procedure. They are from a previous Commission, we had nothing to do with their adoption, or any discussion of how they came about, and I think that quorum is defined as minimum necessary to conduct business and eight is that number. Ten is the super majority. I agree with super majority in a few instances, I have been on a few boards, and you see super majority, I agree with super majority when money needs to be spent, but I just don't see the good reason for the super majority to change the rules of procedure. So, I assume today you will entertain motions to adopt the rules of procedure?

Mike Haridopolos:

Again, this is why I want to operate if I could, is I don't mind waiting to even adopt these. I don't feel rush or panic to have a meeting next month to be candid with you. If we are comfortable with these based on your suggestions and others, I don't mind having the vote on it today. However, you all want to proceed. I want to be really differential to the committee who put me in this position. I think your suggestion is a solid one. Any discussion on Blaise's suggestions? Do you recommend super majority on quorum?

Blaise Trettis:

No, No

Mike Haridopolos:

Is it the super majority term that makes you nervous or is that its super majority on rule Fifteen?

Blaise Trettis:

It is rule Sixteen that there is a ten-vote requirement for rule amendments that that be changed to eight. Is my recommendation.

Mike Haridopolos:

So, Senate majority is what you are looking for?

Blaise Trettis:

Correct, to change the rule. Yes Sir, for those reasons I said. But I sort of would like to know if we are going to vote on this today? I will be up front and tell you

Mike Haridopolos:

Yes please. That is what we are here for.

Blaise Trettis:

What I am thinking longer. Which I have a problem, I started off saying there is a rule that I disagree with or two. The rule I really disagree with in addition to the one I spoke of, rule seventeen, Charter Amendments. I don't know if you have all had a chance to look at that, but if you do read it, you could really envision a scenario where two County Commissioners could really for a better lack of words, game the system and prevent this Commission from doing its work. The reason is could happen is because it says it is a ten-vote requirement to get a proposal to the ballot, basically, to the Board, to get it to the ballot. Which is fine because I think that is a good example where super majority is required. But the problem I have with it, is that it says with at least one- member appointment by each Commissioner present. If you think about it, this scenario, let's say we have all done all the research, heard all the argument, and we are ready to vote. One County Commissioner's group, appointees, decides not to show up . Or as individuals decide they are not going to show up. Well on the first sentence that means it cannot be passed and the vote cannot be taken. So, if you go on further, it says the Chair can, the Commission can decide to recess the meeting. Where the Chair notifies absent members of the next meeting for a vote, and if they are not present then, then the Commission with ten people can vote approval with the amendment. Okay, let's say hypothetically, District I, three people are not there at the first meeting, they are notified. Reconvene. Second meeting, District II is not there. First sentence, no vote. This could be gamed so a vote can never be taken. I am not saying that would happen, but in politics I think nothing is impossible to envision. I just don't think it is right that scenario could happen. What I would propose eventually, is that starting with the third line down, Rule Seventeen amend with " ten members of the CRC must vote to approve it" period. The rest is deleted which means ten people vote to get it on the ballot, period. It is already a super majority, which is bigger than a quorum. I think it is reasonable all the way around. I think this current wording could be abused, I think if it came to that.

Sue Schmitt:

I certainly agree with Blaise on rule sixteen rather than saying eight members, would you be all right with a simple majority. I am fine with eight. (inaudible)

Blaise Trettis:

Well, eight is a quorum. I am fine with eight, and the reason is procedure is important to, I just think for a quorum that amount is good. You know if you had eight people here and only five needed to change the rules, I think that is too little quite frankly. So, I am good with eight to tell you the truth.

Mike Haridopolos:

All right, further discussion on that point first?

What I would like to do if you don't mind is why don't we have like an ongoing discussion on these different rules and then once we have kind of put everything on the table, so we can digest it as a whole we will take up Blaise's good suggestions and have a vote on it accordingly.

Other rules that might either cause you concern or additions you would like to see in these rules?

Cole?

Cole Oliver:

The only thing and I don't remember if it was in here or not actually. Is should we consider having the ability to vote remote considering what society is going through right now?

Mike Haridopolos:

I would very much like to have that as long as there is a quorum in public, and then give those folks who can not make it, still empower them to have that vote, but I think we even talked about that at the last meeting. Mr. Nye brought that up. So good suggestion there as well. Why don't we put that on the, any quick comments on that? Is everyone pretty clear on what that proposal may look like?

Kendall, as a former member, any other suggestions on the rules? I know you all had this back in 2015.

Kendall Moore:

You know I think as a follow up to Blaise, I think Blaise, the feeling at the table that time, Ms. Schmitt and a few others were here, is the thought process was exactly the opposite. The people that proposed ten were trying to build a very high threshold in order to make a change, and so that was part of the discussion around the table at that time. You know, correct or incorrect there was an attempt to set an extremely high bar for change, and an extremely high bar for a quorum and up to an including it just wasn't the super majority, it was also having one present from each District. And so, it did establish an unusually high bar in order to make changes to the Charter, if I recollect and Sue may remember differently. The discussion was changing the Constitution of your County needs a high bar so that you know, various things don't have an easy way of making change. Not to say if it was right or wrong, but to follow up on the Chairman, that was the rationale at the time, for how it ended up in the procedure.

Mike Haridopolos:

Cole you want to, is that how you recall it as well?

Cole Oliver:

Yes, that is how I recall.

Mike Haridopolos:

Tom?

Tom Jenkins:

I was just going to say, Kendall, I think we are keeping the bar to put an amendment on the ballot, we are just modifying the bar to change these rules. So, that is fine.

Mike Haridopolos:

Other points of discussion?

Let's get into these individually. Why don't we take up Blaise's first on rule number sixteen?

Blaise Trettis:

Yes Sir, I will make a motion that rule sixteen as written, be written to change the word ten to eight and then in parenthesis the number (10 to 8).

Mike Haridopolos:

All right before we get into a vote on this, is there any further discussion on this, on the rule change?

Unidentified:

Second

Mike Haridopolos:

Any discussion on it before I move the second.

Bob White:

I would like to clarify with Blaise, so you are saying that you want to change ten to eight but you are not concerned with the "at least one member appointed by Commissioner present", I thought you wanted to eliminate that as well?

Blaise Trettis:

You know that's I just make a distinction between getting something to the ballot versus a rule amendment. I think there is always going to be a member, well I don't think there will be any foul play to try to stop a rule amendment. I just don't make a distinction between the two.

Mike Haridopolos:

Any other discussion? Okay I will take that second now.

All those in favor of the good idea put forward by Blaise say "Aye"

("Aye" was unanimous)

All those opposed say "Nay"

All right, show that adopted. All right, on rule seventeen. Blaise, go ahead

Blaise Trettis:

Okay, for the reasons stated previously, I move that on the third line down, starting with the word, the words, “ with at least one member appointed” that Starting with the word “with” that the rest of the paragraph rule seventeen be deleted.

Mike Haridopolos:

So, we would, the first three lines, up to the word approve it, and then the remainder be deleted. Correct?

Blaise Trettis:

Correct

Mike Haridopolos:

All right any discussion on that suggestion? Do we have a second on that?

Bob White:

Second.

Mike Haridopolos:

We have a second by Mr. White. All those in favor say “Aye”

“Aye” (Unanimous)

All those opposed say “Nay”

So that adopted.

All right on our third item we are probably going to need the staff to write up something unless there is some language already written up where we would keep the idea where there would be a quorum required in person, but a person who is not here would still have the ability to vote remotely.

First, is there any discussion on that idea?

Blaise Trettis:

I have a discussion which is I respectfully disagree with the concept. I think a lot is to be gained by being in person, seeing people, and I know it is convenient to appear on the computer screen, but having been on Zoom calls for the last eighteen months, I know that people don't pay attention. They are looking at their phone and doing all kinds of other things, and their attention is not where it should be. And also, I don't really think that it makes you available to the public, its not the same as being in a room where they are looking at you and seeing you, and seeing everything you are doing. So, I understand that people like convenience, but I do not agree with that change proposal.

Mike Haridopolos:

Further discussion on that?

Billy Prasad:

If we go down that road of allowing telephonic or you know from outside in, do we have to do the same thing for the public? Obviously, we don't have to. But we kind of open the door if we say a member doesn't have to show up sick, but the public does. So, I think we kind of have to either choose one or the other, and I think that is kind of a Pandora's box we do not want to go down.

Mike Haridopolos:

Tom?

Tom Jenkins

I have been on boards that have allowed telephonic, and the person is really not in the flow of the meeting, and I have not seen it work well.

Mike Haridopolos:

Okay, further discussion?

Yes?

Abigail Jorandby:

If I may, the only concern I would have by allowing people to regularly appear telephonically or by Zoom is that we do have a large body, we do need quite a few people to make a quorum. So, when staff reaches out to the members to see if they are RSVPing, it is going to be a challenge if we all of a sudden know okay, we are missing X individual who can attend, at that point we are going to tell people unfortunately you are going to have to attend in person. It is a concern to make that flexibility. Obviously, you know in a rare circumstance, if someone has tested positive for Covid, or they are concerned about a health concern, perhaps we could allow them to do that. But to do it regularly, when we really need the physical quorum, that is requirements under State Law right now. We are no longer under the Emergency Order, which lifted that for a time period. So now we really do need to have a quorum present to actually conduct business. So that would be my concern about adding that in at this point. It's just that, at some point I know that staff does reach out to make sure that each Board member will be here, and kind of get a head count. And if we are seeing that we may only have seven, I mean the next person we ask may say well I want to appear by Zoom. We are going to have to tell them, well now we are not going to have a quorum. So, it is going to be kind of an interesting jux of position.

Mike Haridopolos:

Cole?

Cole Oliver:

I don't feel strongly about it either way. I just wanted to make sure we had the ability to conduct business if we had the circumstance where people are quarantined, or not able to make it. I certainly wouldn't suggest it for mere convenience, just because you don't want to drive down here or for whatever reason. And I probably hate Zoom meetings more than anyone else in this room, given that the number we have been on at the time. Blaise, I totally agree with you. You lose the flow, you lose the personal interaction. But just as a matter of being able to conduct business, I thought it was worth considering.

Mike Haridopolos:

Sue?

Sue Schmitt:

I wanted to ask a question. Are these meetings streamed, anyone can watch it? I will tell you a week or so ago, I happen to be on another committee, because my lovely sinuses, I didn't want to sit and blow my nose the whole time. They set up a phone that I can call in and I could hear, but I was not Zooming. And I agree, I don't like it. We have had to do it for a year and a half, and enough is enough. But I think if you can call in for some reason, let's say someone has Covid, hopefully not, and they can be at home, but can't be here to endanger anybody else, it would be nice if they had the ability to do it by phone, but not to Zoom.

Unidentified:

Your attorney is raising his hand.

Mike Haridopolos:

Paul, go ahead.

Paul Gougleman:

I hate to rain on everybody's parade. The Attorney General has weighed in on this a number of times, and generally speaking, most people think this business of attending outside of a meeting is something that is part of the Sunshine Law. It is not. It is not part of the Sunshine Law, it's a whole separate area of law. But the Attorney General has weighed in and said that if you are going to attend remotely, there must be a quorum physically present at the meeting sight. So, if a quorum is not physically present, no remote attendance, no meeting. Second thing the Attorney General has said is for you to attend remotely, there must be a significant circumstance that justifies your attendance. So, I don't feel like driving to Viera is not going to weigh in as a significant circumstance. Most of the opinions that have come out from the Attorney General's Office that tried to define what a significant circumstance is, has to do with something medical, and such as Covid or something of that sort. And then the third thing, and the last opinion of the Attorney General's Office on this is they have kind of left it up to the body to determine what a significant circumstance is, but before the person that wants to attend remotely, can be admitted to attend remotely and vote, the body that is physically present has to vote and say yes that is a significant circumstance, you are admitted. So, I hope that helps.

Mike Haridopolos:

I think that helps. I will put it this way. I see the will where we want to go. You already changed the rules once Blaise, we can adjust them, if we need to down the road. God forbid there is another Covid outbreak and the world starts to change again. I think we keep the rules as is and if we see a significant situation going on across the Country, as always, we can look, entertain this idea. I think all of us are committed to this committee and candidly the votes, the big votes won't take place for awhile yet. A lot of it will be just listen and learn as long as we keep our quorum in line. So, we will table that idea and not have a vote on that type of remote situation. Any other suggestions for Rules of Procedures?

Blaise Trettis:

Mr. Chair, and this is probably maybe oversight in drafting in 2015, but it goes to rule nineteen, and it is paragraph A. It says: "the member of the Commission or a resident of Brevard County making the proposal shall introduce the proposal to the Commission". I read that to mean that any Brevard County resident can make a proposal to the Commission. I don't know if that is true or not, I don't know but that is my question, should it read on behalf of a Commissioner shall introduce the proposal to the Commission. Because I don't think anyone can just come up here and make a proposal, I think you have to be invited by a Commissioner to present the proposal to the Commission, but I don't know the answer to that. But if it is in fact that it has to be a request on behalf of a Commissioner than it should say that to make it perfectly clear. I don't know the answer though.

Mike Haridopolos:

Jim?

Tom Jenkins:

Historically the people have been allowed to come up and present to the Commission and make a recommendation. Then it is up to the Commission if they want to investigate it.

Mike Haridopolos:

Can you confirm that Jim?

Jim Liesenfelt:

I am nodding my head yes. You had several members of the public come up last time and make their proposals too.

Mike Haridopolos:

And I do like that from my old days in the legislature, because the best ideas come from the public so often and if it's a good idea, clearly as a board we would see the merit in that so I don't think we need that clarification because I would allow that individual to come forth and make their presentation. I think in the interest of privity and or reality, we would just limit a person to maybe three or five minutes to make their case and then we

would decide if there was merit there moving forward. At this point, we will not adjust rule nineteen. If we need to later, that is something we can clearly take up later. And Robin, I know you had another question before.

Robin Fisher:

I am just saying is there any timeline?

Mike Haridopolos:

Timeline I think we are working from is late summer?

Abigail Jorandby:

Under our Charter it is one year from the first meeting so our first meeting was back in August?

Jim Liesenfelt:

August 12th

Abigail Jorandby:

August 12th, so you have a year.

Robin Fisher:

Thank you.

Mike Haridopolos:

Other questions on rules before we go forward? Okay so I think we have made those adjustments on the rules, thanks for the suggestions, very good. I am glad everyone is being very open and candid about that. The only other thing that I would add is that is one of the things I think we pride ourselves on in the State let alone this community is transparency. As these different proposals come up, whether it be hold overs from six years ago or new ones that come up, I would like to see it where we have at least a minimum of three meetings to talk about an issue so people are completely aware of the impact it could have, and give people plenty of time to come and testify. This is a big decision that ultimately will be made by the County Commissioners of course. But I think the best way to make sure that people are not caught off guard is that, I would hate to see where one person introduces an idea in one meeting and the next thing you know it is approved. I think I would like to see some type of parameter, we don't have to decide this today, but, even do it informally where we make sure someone turns in these suggestions early so we can digest it before we kind of rush to a decision. So, I just want to kind of keep that in mind as we move forward. I think this is a process where we are blessed to be on this Commission and we need to be respectful if there is a potential change that everyone who is for or against it will have a clear opportunity multiple times to come and make their case. I don't want to put that in the rules, but it is something I just want to work by. Because sometimes an idea one day sounds pretty good, but the more you think about it you might change your mind. So, in the legislative process we had multiple

committees to go through, we are not going to have that luxury hear and so I think we should just keep that in mind and in the long term.

With that said, I will move to item F on the agenda

F. Meeting Schedule

Mike Haridopolos:

We have a meeting scheduled in October. I don't see any pressing business, at this time if it is okay with everyone here, unless there is a strong desire, then I would like to cancel that meeting for October and then kind of work from a loose schedule as I work with our staff. Any suggestions, again, please and go through Jim and his team to make suggestions as far as what you would like to see for future meetings. Hopefully now that we have solved our legal issues, and everyone can kind of digest the old items from years past. I would anticipate a November meeting. Roughly in the same week of that month and kind of work through that. Or we can right now work out a meeting for November. That would give us approximately sixty days to prepare for that next meeting. Any opposition to cancelling our October meeting?

Okay, without objection, show our October meeting cancelled. Looking at your calendars, we all have our smart phones in front of us, we were working on a Thursday. I know in our last meeting we talked about having an evening meeting, like six o'clock as opposed to three o'clock. Let me look at my November. Thanksgiving falls on the 25th, so we would potentially be looking at a meeting on the 18th of November. I will do it just by simple majority vote. Why don't we put it in for the 18th of November, as it was kind of what we planned on anyway.

Who would like to have the meeting at six pm as opposed to three pm? Raise your hand please.

Marie Rogerson:

(Hand Raised)

Mike Haridopolos:

One

Kendall Moore:

What time was that first option available?

Mike Haridopolos:

It would be six o'clock or three o'clock. So, who is in support of a six o'clock meeting instead of a three o'clock meeting on the 18th of November?

Marie Rogerson:

I can also do other regular daytime hours. This just happens to be drop off and pick up time for kiddos at school so three is like the worst hour of the day. So, if the evening is the problem, other hours of the day are also available.

Mike Haridopolos:

Okay

Vic Luebker:

I would also ask that Paul that maybe you could provide a schedule to staff of other municipalities you are working with?

Paul Gogleman

Yes Sir.

Mike Haridopolos:

Good suggestion, thanks.

Kendall Moore:

Mr. Chairman, one of the though process is follows on the last question about public participation. The last Charter Review Commission, had a myriad of meeting times throughout the period to offer the public the opportunity, some they were six pm, some were in the morning, and other times to increase citizen participation. So, it doesn't have to be soon, but as we go forward and start to receive proposals that may be a consideration as well, if you, certainly if you see public interest in that regard.

Mike Haridopolos:

I think that is a great suggestion. I think you will see a lot more meetings as we come to the height of our meeting schedule and agenda items, I am not sure how many will be introduced as they were six years ago, but I anticipate a lot more interest in the Spring time. All right, so I apologize, but I think we are going to, at this point I think we will have a November 18th meeting at 3:00 pm, and if we sense very little interest in that meeting, or we sense items come across our table, we might cancel that meeting. So of course, keep your emails open for that opportunity. We will keep it for the 18th of November for now at 3:00 pm and that is without objection, we will do that. Jordin?

Jordin Chandler:

I also believe that the two previous Charter Review Commissions had also sent a formal letter from this particular Commission to several interest groups, and I think they were County staff, obviously, Commissioners, Constitutional officers, Courts, School Board, City Municipalities, Space Coast League of Cities, etc. and so if we can sort of continue with tradition, but also being transparent, send a letter on behalf of this Commission to formally invite those Constitutional Officers, all those individuals to our meetings. Obviously, we sort of have to establish a meeting schedule, but to extend that opportunity to them formally from this particular Commission.

Mike Haridopolos:

I think that is a great suggestion. Maybe you can put together a list of who we sent that out to the last time. Not just elected officials, but Boards. I think we can even call our friendly neighborhood newspapers and maybe get a story out there that this is once again started up. I think there was an article after our first meeting. But just to beat the drum so that people know that this is an opportunity for them to make changes if they wish. I think that is a great idea Jordin. So why don't we go ahead and put together a letter we can work on and we will approve that in the November time frame and get that out accordingly.

Cole Oliver:

Mr. Chairman?

Mike Haridopolos:

Yes?

Cole Oliver:

When we have, hopefully after the October 12th meeting, Mr. Gougleman gets confirmed, and once he provides his schedule to staff, maybe we can get staff to come up with a proposed set of dates moving into next year to bring to us at the next meeting so that you know, a lot of times a month out, we already have other stuff booked up, and we can at least get those hold dates on our calendars, subject to being cancelled if they are not needed.

Mike Haridopolos:

I think that is a great suggestion, and I wouldn't be surprised if we cancelled December, so if staff could work on January moving forward, I think that is a great suggestion and hopefully will give enough time for those folks, maybe in the January meeting they will start coming in, and making their suggestions. In the mean-time if we could just study up on those old agenda items that came through six years ago. Some may have more, or less merit today, but I am sure we will come up with some other suggestions along the way.

G. Public Comment

Mike Haridopolos:

Is there anyone else here from the public who would like to make a comment?

I would like to recognize that we have our County Commissioner John Tobia here. John great to see you, thanks for making the meeting.

H. Adjournment

Mike Haridopolos:

Any other comments? All right without objections, Mr. White, meeting over.

4:29pm.

Minutes Approved January 06, 2022

Chairman, Mike Haridopolos:

Date:
