

CHARTER REVIEW COMMISSION MINUTES

The Charter Review Commission met in session at 3:00 P.M. on Thursday October 29, 2015, Brevard County Government Center, 2725 Judge Fran Jamieson Way, Viera, Florida, Bldg. "C", 2nd Floor, Space Coast Room.

Kendall Moore - Chairman Kendall Moore called the meeting to order at 3:05 p.m. and 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. 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

Chairman Moore stated that, for the record, the Board members absent from the meeting today are: Mr. Matthew Nye (District 3), and Mr. Scott Sorensen (District 5). He noted that there are 12 Board Members present who will be voting throughout the meeting.

Staff member present: Ms. Sandy Smith, Administrative Secretary

Kendall Moore – Chairman Moore asked if there is any one else in the audience today who wished to introduce themselves into the record.

David Tolces, Usher "Larry" Brown, and Wade Vose introduced themselves into the record.

Kendall Moore - Chairman Moore advised that these gentlemen are here today for Item III on the agenda pursuant to the RFQ #3-15-09 for Attorney Services, for the 2015/2016 Charter Review Commission. He stated that at the September 17, 2015, meeting the Board selected the top 5 firms, and they were invited back today to give their 10-minute oral presentations. Chairman Moore said after each applicant gives his oral presentation, we will then have the opportunity to question each applicant. He stated after we have heard all the presentations, and have had discussion with each applicant, the Board will select an attorney for the 2015/2016 Charter Review Commission.

Kendall Moore – Chairman Moore said Item II on the agenda is the approval of the minutes from the September 17, 2015 meeting. He stated that the Staff should have sent a draft copy to you electronically and hopefully you have had an opportunity to review them. Chairman Moore asked the pleasure of the Board.

Chuck Nelson – Mr. Nelson made a motion to approve the minutes as presented.

Marty Adams – Mr. Adams seconded the motion.

Kendall Moore – Chairman Moore asked if there were any questions, concerns, or anything? Seeing none, he asked all those in favor of the motion to please signify by raising your right hand, and those opposed by the same. Chairman Moore said the motion passes unanimously.

Chairman Moore stated that the next agenda item is Item III, - Discussion/Oral Reviews and a 10-minute presentation by each attorney present today. He said the first presentation is at 3:10 p.m. and he asked Leslie Rothering from Purchasing if she would announce to the Board the attorneys who have withdrawn from the selection process.

Leslie Rothering – Ms. Rothering said at the last meeting, the Board rated and selected the top five attorneys, so the rating sheet today has those five attorneys listed on it. She added that since that time, she has received two emails, one from Lonnie N. Groot, Esquire, and the other from Attorney Michael Ciocchetti, both withdrawing from the process. Ms. Rothering advised the Board to use the rating sheet she has prepared, keeping in mind the two withdrawals from the consideration process today.

Kendall Moore – Chairman Moore said that since we still have some time before the first presentation he would like to discuss a couple of administrative items.

James Rosasco – Mr. Rosasco advised that the Pledge of Allegiance on the agenda was overlooked.

Kendall Moore – Chairman Moore apologized for the oversight and he asked Mr. Rosasco to lead the Board in the pledge.

He said for those who participated in the “Doodle Poll”, there were 5 dates that had 13 out of 15 Board members who indicated availability for meetings. Chairman Moore said those dates were as follows: Thursday, October 29th, Thursday, November 12th, Thursday, November 19th, Thursday, December 3rd and Thursday, December 17, 2015, and they are all scheduled at 3:00 p.m. He added that he tried to offer Wednesdays and Thursdays, also taking into consideration the Thanksgiving, Christmas and New Year holidays. Chairman Moore asked if anyone had concerns with those dates.

Jason Steele – Mr. Steele expressed concern with December 3, 2015, adding that he would prefer December 17th.

Kendall Moore – Chairman Moore advised that the reason those dates were chosen is because those were the dates with 13 or more members who indicated availability. He added that this would keep the Board on target with what took place in 2009/2010.

Cole Oliver – Mr. Oliver stated he would prefer to front load the work as much as possible if we have enough work to keep us busy for those 5 meeting dates.

Chuck Nelson – Mr. Nelson stated that there is nothing that would prevent us from cancelling some of the dates if there is no need for all five meetings.

Kendall Moore – Chairman Moore said that is true, we could add or cancel dates as needed.

James Rosasco – Mr. Rosasco stated he would move that we approve the meeting dates as proposed.

Cole Oliver – Mr. Oliver seconded the motion.

Kendall Moore – Chairman Moore said there is a motion, and a second to approve the meeting dates as follows: October 29th, November 12th, November 19th, December 3rd, and December 17th. He asked for discussion on the motion. Chairman Moore said in seeing none, he asked that all those in favor of the motion, please signify by raising your hand, and opposed by the same.

Chairman Moore noted that Dr. Bobay arrived at the meeting during the discussion, and he asked if he would be voting.

Dr. Bobay said he would abstain from voting if that is okay.

Chairman Moore stated the motion passes, with Dr. Bobay abstaining.

He noted for the record that there are now eleven members present and voting at the meeting.

Chairman Moore asked to Board to take a look at the CRC invitation letter list. He said he had some ideas, but he did not add them as he wanted this to be a community effort. Chairman Moore said he has already had a question from Ms. Rupe about the League of Women Voters as an example. He stated that this is a list of directors, county commissioners, school board superintendent and school board members that was used in 2009/2010 charter review for the invitation letters. Chairman Moore added that if the Board has any organization in the community that they would like to put on notice of our meetings, please write them down and give it to Ms. Smith, and she will get invitation letters to them. Chairman stated that this will be a formal written invitation letter, advising them as to what is going on, putting them on notice, and urging them to come before this body and present whatever they may have to bring before the Charter Review Commission. He recognized Ms. Rupe.

Maureen Rupe – Ms. Rupe said she has already had people asking when they could bring their proposals to the Board. She stated that they told her they have looked on the county website and couldn't find any information about the Charter Review Commission. Ms. Rupe added that another thing that seems strange to her is that Florida Today has not published anything about the Charter Review, unlike in other years.

Kendall Moore – Chairman Moore stated that the thought was to wait until after this meeting so that we would have a meeting schedule in place so that interested parties would be aware of our meeting dates, times and locations. He said that since that has been accomplished, we will actually be doing 3 things – we will be sending the invitation letters, we will sending out a press release via the county's media distribution list, through Don Walker, SGTV Director, and lastly we are getting the CRC website up and running so all information relative to the CRC can easily be accessed by the public. Mr. Moore stated that if the Board has any other media outlets to please let us know as we would be happy to notify them as well. He said that we want to encourage anyone interested in this process to participate in our endeavor.

Chairman Moore stated that at this time we will go back to Item III on the agenda which is discussion and oral reviews presentations by the top 3 attorneys and legal firms that

remain on the list from our September 17, 2015 meeting. He said he will turn the meeting over to Leslie Rothering, Purchasing Manager, and we will follow her direction.

Leslie Rothering – Ms. Rothering stated that the first applicant is Larry Brown and he has 10-minutes to present, and then the Board can ask questions. She added that when the Board finishes with Mr. Brown, we will then hear from the next applicant and do the same thing. Ms. Rothering advised that the applicants are aware that they must exit the meeting after they have finished with their presentation. She said she will escort them out of the meeting, and ask Mr. Brown to return and begin his presentation.

Larry Brown – Attorney Brown stated that his full name is Usher Larry Brown and he goes by “Larry”. He said he has ties to Brevard County, but does not practice law in Brevard, although he has represented the City of Palm Bay and has battled litigation in Orlando as he has represented them in class action on defense of the red light camera issues. Attorney Brown added that he does not maintain an office in Brevard County; however, he does own a condominium in Xanadu at Cocoa Beach, but his law office is located in downtown Orlando. He said he graduated from Melbourne High School in 1971, as his father moved his family here in the late 1960’s to work at the Cape. Mr. Brown stated that as you can see from his proposal, he has extensive experience in a wide variety of governmental issues. He added that he is recognized around the State as someone who is an expert in all manner of governmental issues, and the firm he belongs to has the expertise in bonding and finance. Mr. Brown stated the firm has 107 lawyers with offices throughout the State of Florida, adding that he works in the Orlando office. He said they have a significant number of attorneys in the firm who do municipal and governmental finance, represent community development districts, special districts; they have members of the firm who served in the Florida legislature currently, so he thinks they bring a real wide depth of governmental knowledge to the Board. Attorney Brown stated that as it relates to charters in particular, he has represented the City of Winter Park Charter Review Commission and he has represented Clay County as well. He said that in both of those cases, they had significant citizen interest with a hot, hot political climate with intensity when it comes to public records and Sunshine issues, adding that he is well versed in all of the issues that relate to your government and operations. Mr. Brown added that 286.012 – you have to vote if you are here – you can’t abstain unless there is or appears to be a conflict. He said he really knows governmental law and he also knows he is number 3 on the list and realizes that this is a daunting task, but he did not want to simply withdraw, he wanted to come and say hello. Attorney Brown stated that with respect to

the charter amendments, they survived the charter ordinances, the referendum, the ballots – no legal challenge was successful. He said in fact, all the charter amendments they proposed in Clay County were passed and it was a very hot environment. Attorney Brown stated that getting them to the referendum was hard because it was a lot of politics, but once they got consensus, and moved it forward, they all passed. He said that in Winter Park everyone that he did pass without legal challenge, except for one and it was written very clearly. Attorney Brown stated that in Winter Park, they asked the citizens if they wished to require a super majority vote in order for the Commission of the City to change decisions of the Planning and Zoning Board relative to increasing density. It was a super majority requirement that was proposed by the anti-growth action, and the citizens understood that and they voted against it. Attorney Brown stated that was the only one that he prepared that did not pass. He said he thinks he is well qualified to do this work and he is open to any questions you may have.

Kendall Moore – Chairman Moore asked if the Board had any questions of the applicant. He recognized Mr. Adams.

Marty Adams – Mr. Adams asked Mr. Brown if he is the one person that the Board will see on a routine basis as we will be spending a lot of time together over the next several months.

Larry Brown – Attorney Brown said he is attorney the Board will be seeing unless there would be a health issue or something very major to happen, yes, he is the one you'll be seeing. He reminded the Board that he has a condominium on Cocoa Beach, so it would not be burdensome to spend the night. Attorney Brown reiterated that he will be the attorney the Board will see.

Marty Adams – Mr. Adams asked Mr. Brown what his primary motivation was for seeking this project.

Larry Brown – Attorney Brown stated that he likes government law, in fact, right now his practice is about 60% government representation and about 40% private business. He added that government law just happens to be an area of practice that he enjoys. Attorney Brown said he knows both Wade Vose and David Tolces, and he thinks they would agree – they all enjoy these issues as opposed to divorce lawyers or probate lawyers. He stated that these are very interesting, technical issues that are quite enjoyable.

Marty Adams – Mr. Adams thanked Mr. Brown for answering his questions.

Kendall Moore – Recognized Mr. Oliver wishing to speak, and then Mr. Rosasco.

Cole Oliver – Cole Oliver asked Mr. Brown if he is representing any other Charter Review Commissions this election cycle.

Larry Brown – Attorney Brown replied, no sir.

Kendall Moore – Chairman Moore acknowledged Mr. Rosasco.

James Rosasco – Mr. Rosasco during the last Charter Review Commission approximately 6-7 years ago, we struggled with concept control – chief financial officer, if you will. He said that right now it seems to be the Clerk of Court who plays that role, and he asked Attorney Brown if his experience with other CRC's has had that issue. Mr. Rosasco stated that presently we have 5 Commissioners, a County Manager and Clerk of the Court, but we don't really have like a chief financial officer or a control type individual. He added that this sort of split the last CRC, as some of the board wanted that type of commission, and others were reluctant to do that. He asked Attorney Brown what his feelings are about that.

Larry Brown – Attorney Brown stated that the two charter review commissions that he worked for did not address that issue. However, he has represented during his career, Martha Haney, Orange County Comptroller, she is a charter official – a constitutional officer and she is an elected person in charge of public records, recording county records and their finances and she also does their audits. Attorney Brown added that he has done a lot of work for her and assisted her with her audits. He stated that he has also come in and studied and investigated different problems and issues with the City of Delray Beach, school boards and a number of entities. Attorney Brown said he has also worked for the Clerk of the Court in a financial capacity in Palm Beach County, so he has seen it both ways. He added that his role is not to be a policy person, he can only give you the benefit of his experience and options – he is not a vote and he does not want to be political. Attorney Brown stated that there have been financial issues that have been litigated in Brevard County, adding that if there is a perception that finances, audit and control can be enhanced by having an independent constitutional officer, you could follow the Orange County model and have a comptroller who is then an independently elected non-partisan constitutional officer. He said Martha Haney in his view has been extremely effective – she is moderate and technical and is a CPA herself. Attorney Brown added that he has written legal opinions for audit criticisms over the years and she does fine audits as well as financial, of all the constitutional officers in Orange County including the County Commissioners. He said this is a very meritorious approach for consideration and he

added that you can look at the Orange County model and get a great deal of information.

Kendall Moore – Chairman Moore recognized Chuck Nelson.

Chuck Nelson – Mr. Nelson asked Attorney Brown what was his work with Clay County....

Larry Brown – Attorney Brown said that Winter Park ended last year, and Clay County was 4 years ago.

Kendall Moore – Chairman Moore recognized Mr. Fusscas.

Peter Fusscas – Mr. Fusscas said he has a question regarding the Sunshine Law as it relates to social media. Can a member here express an opinion or discuss matters that may be before the Charter Commission and asked the public – lets say on – Facebook, Twitter etc. to give comment or input.

Larry Brown – Attorney Brown replied, yes you can – you have public records and Sunshine issues, and he added that the Attorney General has had a number of opinions on this. He said he has represented cities where some people want to express themselves and it can be controversial if others on the same collegial body want to speak with one voice. You really can't stop someone from expressing themselves – you do have first amendment rights, but you also need to be mindful of the Sunshine. Attorney Brown stated that what the Board needs to avoid is 1 or 2 of you going back and forth on Facebook on an issue that is reasonably foreseeable to come before you. He added that you don't want to have a meeting outside of Sunshine on social media. Attorney Brown said the City of Venice had a problem where they were meeting by email and they claimed they weren't, then the judge seized their computers and found they were, and they paid over a million dollars in legal fees and damages. He stated that there is a nuance where one of you can put out a position statement by email, which is a public record as long as you don't reply; you are not having a meeting outside of Sunshine.

Kendall Moore – Chairman Moore recognized Ms. Rupe.

Maureen Rupe – Ms. Rupe we can give our opinion to the local newspaper etc. – that's within the Sunshine. Also, if you write for a paper or publication, you can give your opinion right?

Larry Brown – Attorney Brown said yes, you can always do that.

Kendall Moore – Chairman Moore asked if the Board has any additional questions for Mr. Brown. He said in hearing none, he closed discussion and thanked Mr. Brown for his presentation. He recognized Mr. Rosasco as wishing to speak.

James Rosasco - Mr. Rosasco stated that if we do put out our own personal opinion, he thinks it is important that we qualify it as just our personal opinion and not a view of the Board.

Kendall Moore – Chairman Moore stated he would certainly agree with that.

Leslie Rothering – Ms. Rothering escorted Mr. Brown out of the meeting, and asked David Tolces to come into the meeting and give his presentation to the Board

David Tolces – Attorney Tolces stated he is with the law firm of Goren, Cherof, Doody and Ezrol, and he is very happy to be here. He said for those members, who are new to the Board, his served as general counsel to the Charter Review Commission back in 2008-2009. Mr. Tolces stated they successfully worked with the commission over a year and a half period in order to have the charter amendments forwarded to the electoral in Brevard County. He said he has been practicing law in the State of Florida since 1989, and he has been involved in municipal and governmental law since 1990, starting at the City of Delray Beach as an assistant city attorney. Mr. Tolces stated that he joined Goren, Cherof, Doody and Ezrol back in 2000 and he has been with them for about 14 years and is now a partner with the firm. He said the firm has thirteen attorneys, and the firm has been around since around the late 70's, early 80's and their practice consists of 75- 80% of representing local government, including charter review commissions, cities, and special districts. Attorney Tolces added that he had to opportunity to serve as the general counsel for the Canaveral Port Authority and during that time, they rewrote their charter, with a 10-member commission to formulate the revisions. He stated that those revisions were forwarded to the Florida Legislature, who reviewed them and the Senate House approved them, and they were signed by the Governor during the 2014 legislative session, and the Port Authority has a new up to date charter. Attorney Tolces said during their work with the Port Authority, the firm received additional information and education regarding interaction of various local governmental entities in Brevard County. He stated that in addition to assisting Brevard County, the Broward County Charter Review Commission retained Sam Goren and the law firm as general counsel to assist the CRC in amending and revising the Broward County Charter. Attorney Tolces added that as General Counsel, they provided numerous legal opinions concerning charter issues, including public services, land use planning, districting, and term limits. He pointed out that due to the firm's

experience; they have reviewed many county charters from all over the State of Florida. Attorney Tolces stated that with the firm's guidance, the Broward County Charter Review Commission proposed several ballot questions to the voters of Broward County in 2002 and 2008. He advised that he has also served as General Counsel to the Town of Lauderdale-By-The Sea Charter Review Commission during 2002-2003, and with the City of Pembroke Pines Charter Review Commission in 2004. Attorney Tolces said in serving as General Counsel for these entities, the firm advised them, on issues such as ballot language, term limits, initiative process, and land use matters. He stated that in addition to Charter Review Commission work, the firm currently represents several governmental entities, including ten municipalities in Broward and Palm Beach Counties, as well as several special districts, and the South Florida Regional Planning Council. Attorney Tolces added that through their representation of our local governmental clients, they have had the opportunity to advise both county and municipal charter issues on a daily basis, and provided legal assistance in the interpretation of the State of Florida Constitution, Statutes, Administrative Code, as well as local charter and ordinance provisions and amendments. He said he feels the firm, because of the experience and familiarity with the unique challenges presented by governmental clients, as well as the specific laws and codes that govern them they would serve this Charter Review Commission well. Attorney Tolces stated that he would be the attorney that would be responsible for serving the Charter Review Commission, adding that Mr. Goren sends his regards as he was unable to attend today, but in the event he would need other assistance, he has twelve other attorneys in his office that also focus on local government to not only assist him, but also this Board. He added that that they pride themselves and this firm with their congeniality and collaborative nature, advising their clients that if they can't reach their specific attorney then they will find someone they can talk to. Mr. Tolces added that 95% of the time they will get an answer, whether it's on a Monday, Saturday, Sunday or a national holiday. Attorney Tolces stated that they recognize the fact that they work for you and are here to serve you and your constituent's in Brevard County. He said he would like to point out that there are 3 things the Board should consider during these deliberations today, and that is, the attorney you select today is not the 16th member of this commission – they are here to advise you, counsel you and facilitate your discussions. Attorney Tolces added that no matter what the politics of an issue may be, they do not become involved in the politics, they are here to provide you with legal answers, to provide solutions to legal questions, and then facilitate the entire body to come up with a solution. He stated that their role is to provide the best legal advice that they can. Attorney Tolces said the second point would be that you also need an attorney who is knowledgeable, and can hit the ground running as you do

have a short time frame in which to accomplish this task. He stated that what he brings to the table is the past experience of dealing with this Charter, dealing with the entities in Brevard County, whether it's County, the Supervisor's office, the Sheriff's office, the Port Authority or the School Board. Attorney Tolces added that another thing he brings to you is his past experience in dealing with the Charter Review Commission and Port Authority and through that he can assist you in coming up with solutions and proposed charter amendments you wish to adopt. He said this will save the County money, it will save you time and you will be able to get to the issues more quickly. Attorney Tolces stated that the final consideration of the Board should be cost; however, that should not be your only consideration. He said the important consideration should be quality of service, responsiveness of service, and the ability of the attorney you hire. Attorney Tolces stated that included in their proposal is their hourly rate is \$250.00 per hour, and for that you get him as well as all the other attorneys in their firm. He added that over the years they have proven to all of their clients that they offer class one service regardless of where they are located. Attorney Tolces said he would be happy to answer any questions the Board may have.

Kendall Moore – Chairman Moore asked the Board if they had any questions for Attorney Tolces. He recognized Dr. Bobay.

Ronald Bobay – Dr. Bobay said he is just interested in the travel time rate, knowing where his office is located.

David Tolces – Attorney Tolces stated that the last time he served that Charter Review Commission, they had a flat rate of \$500.00, so if he came up for a meeting, it would be \$500.00, not an hourly rate, plus whatever time he would spend at the meeting, and they would be willing to include that as part of this proposal.

Kendall Moore – Chairman Moore recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco said the last time when the Board made the selection, Mr. Goren made the presentation. He stated that in all honesty he felt there was a bait and switch as that was the last time the Board saw him. Mr. Rosasco said that as part of the proposal, he notices there is also a Jacob Horowitz, and he was wondering what role he might play in this proposal today.

David Tolces – Attorney Tolces stated that there will not be any bait and switch. He added that Jacob Horowitz is a partner in the firm and they like to include everybody who is going to be involved. Attorney Tolces stated that the Commission can certainly

reach out to any one of the attorneys at any time, but he will certainly be the primary one to be contacted.

Kendall Moore – Chairman Moore recognized Cole Oliver.

Cole Oliver – Mr. Oliver asked Attorney Tolces if he was representing any other counties Charter Review Commissions this election cycle.

David Tolces - Attorney Tolces stated no, not at this time he is not.

Cole Oliver – Mr. Oliver asked if he has any other proposals out for Broward County.

David Tolces – Attorney Tolces stated yes, the firm does have a proposal out for Broward County, but he would not be the primary attorney responsible for that.

Cole Oliver – Cole Oliver said that was going to be his follow-up question, how he would handle any conflicts in having to represent two counties on Election Day.

Kendall Moore – Chairman Moore recognized Ms. Rupe.

Maureen Rupe – Ms. Rupe stated that she has read the Port Authority's new charter from a couple of years ago or longer, and she was very impressed. She said there were a couple of things in there that were changed and she felt it was good that they were changed. Ms. Rupe complimented Attorney Tolces, adding that she thought he did a real good job on that.

David Tolces – Attorney Tolces said as he had previously stated, whether it's the Port Authority or here, he is the advisor, the legal counsel, the facilitator, but ultimately it is your decision as far as how the Board proceeds.

Kendall Moore – Chairman Moore recognized Mr. Young.

Dale Young - Mr. Young asked Attorney Tolces if he is doing any business with the County at this time.

David Tolces – Attorney Tolces replied no, not at this time.

Dale Young – Mr. Young asked if the firm was doing business with Scott Knox or....

David Tolces – Attorney Tolces said no, they are not currently representing any entities in Brevard County or any private entities as far as he knows at this time.

Kendall Moore – Chairman Moore asked if the Board had any other questions for Mr. Tolces. He said in hearing none, he will close discussion, and he thanked Mr. Tolces for his presentation.

Leslie Rothering – Ms. Rothering escorted Mr. Tolces to the lobby and invited Mr. Vose to come and give his presentation to the Board.

Wade Vose – Attorney Vose stated he is a Managing Partner with the Vose Law Firm, and he thanked the Board for extending an opportunity to speak today about their experience, and why they will do an excellent job as General Counsel to the Brevard County Charter Review Commission. Attorney Vose advised that the attorneys in their firm have extensive local government experience, having held over 30 local government legal positions, including City Attorney for eleven Florida cities, and having collective local governing experience of over 60 years. He said that based upon their firms broad experience in local government representation as well as their specialized experience in representing charter review committees, they feel they are uniquely qualified to serve as general counsel to the Brevard County Charter Review Commission. Mr. Vose stated that the most relevant part of their proposal, in 2011 and 2015 his firm as well as himself were chosen to serve as general counsel to the Orange County Charter Review Commission. He added that he is the only attorney other than the former Orange County mayor, and U.S. Senator Mel Martinez who had been chosen to hold that position twice, both times as a result of a highly competitive selection process. Mr. Vose stated that in that capacity, he represented Orange County at all the CRC meetings, hearings, committee, and subcommittee meetings, providing legal advice and guidance concerning, investigative inquiries of the various committees, the constitutionality, legality and implementation of various charter amendment proposals. He said in addition he prepared the ballot title, ballot summary, and amended charter language for each of the 2012 CRC-initiated charter amendments, with a specific focus on both ballot language clarity, and strict compliance with the exacting standards of Section 101.161, Florida Statute and the extensive specialized case law governing the wording of ballot referendum. Mr. Vose stated that in 2013 and 2014, he served as counsel to the City of Bunnell Charter Review Committee, which engaged in a comprehensive review of its city charter. He noted that he provided substantial legal and procedural guidance to that committee throughout its deliberations, preparing the ballot titles, ballot summaries, and charter amendment language for 7 charter referendum questions placed on the municipal ballot. Mr. Vose said in 2014, he served as counsel and facilitator to the City of Deltona CRC, which resulted in 3 charter referendum questions he prepared, which

were placed on the municipal ballot. He stated that he presently serves as counsel and facilitator to the Town of Pierson CRC, which is engaging in that town's first comprehensive plan review of its charter since 1929. Mr. Vose said of further importance for this position, over the last 21 years, their firm has represented Orange County in numerous capacities, as well as two of its constitutional officers, the Orange County Sheriff, and Property Appraiser. He stated that this representation has given the firm significant insight into the workings of charter counties, as well as the complex interplay among county departments, constitutional officers, municipalities, the Florida constitution, county charters, and county and municipal ordinances. Mr. Vose said from 1994 to present, their firm has represented various Orange County entities which are noted in their proposal, as well as their attorneys have been City Attorney for eleven different Central Florida cities. He added that none of these representations would create any possible conflict of interest with their representation of the Brevard County Charter Review Commission. He stated that if chosen to represent the Brevard County CRC, both he and Becky Vose would handle the legal work for the Commission, with himself serving in the primary role of managing the relationship with the Commission, attending all meetings, and performance of all general counsel duties. Mr. Vose added that they are both members in good standing of the Florida Bar, and each has been such since their admission. He stated that their firm has a long and successful history of representing local governments that are located substantial distances from the firm's Winter Park office. He stated that the Vose Law Firm does not charge its local government clients for travel time or long distance calls, and they utilize the latest in commercially available technology to remain in constant contact, and are fully available to the local government entities they represent. Mr. Vose pointed out that there are numerous advantages to a local government hiring a truly "out of town" law firm to be its legal counsel. He said the firm has never had a conflict of interest with Brevard County or the Brevard County CRC, and they never have, and never will during the course of representation; represent any city, constitutional officer, or other local government entity in Brevard County. Mr. Vose added that the attorneys of their firm are immune from pressure from attorneys and firms with practices in close proximity to or in Brevard County. He said through extensive comparative analysis among county charters that is inherent in charter review commission representation, they have become familiar with the Brevard County Charter and its history. Mr. Vose stated that in particular, they are familiar with both the strong protections that the Brevard Charter provides to the county's municipalities relating to both ordinance preemption and limitations of powers and authority, as well as the charter's highly unique process for legal evaluations of charter amendments. He pointed out that this had been looked to as a model by the Orange County CRC in revising its own initiative

petition processes. Mr. Vose stated that the Brevard County CRC can be rest assured that they will be well positioned to “hit the ground running” upon being retained as legal counsel to the Brevard County Charter Review Commission. He advised that in compliance with the requirements of the RFQ, none of the attorneys of the Vose Law Firm is a resident attorney of Brevard County, nor is an attorney with a firm with offices in Brevard County. Mr. Vose added that none of the attorneys with the Vose Law Firm has any litigation pending against any government or local government. He said in fact, the attorneys of their firm have no current pending litigation in Brevard County, and to the best recollection, have no litigation interests in Brevard County, particularly with regard to local governments or local officials. Mr. Vose said in closing, based upon their extensive experience in the fields of local government and county law; they feel that they are extremely well qualified to fulfill the duties of legal counsel to the Brevard County Charter Review Commission, and would be honored to have the opportunity to provide legal services to the Brevard County CRC. He stated that their firm prides themselves in providing high quality, prompt legal services in a professional manner for an affordable price. Mr. Vose said lastly, the Vose Law Firm will provide legal services to the Brevard County Charter Review Commission at the blended hourly rate of \$150.00 hour for attorney time, and \$75.00 per hour for paralegal time. He added that out of pocket costs would be charged at cost, with no mark-up or multiplier, and there would be no separate billed copying charges unless copies made through a third party copying firm. Mr. Vose said there would be not charge for travel time, Westlaw or Lexis fees, and no “overhead factor” would be charged. He stated he would entertain and questions the Board may have.

Kendall Moore – Chairman Moore asked if the Board had any questions for Attorney Vose.

Cole Oliver – Mr. Oliver said he would first like to thank Attorney Vose for attending all the meetings of the CRC. He stated he is an attorney as well, and he asked Attorney Vose to explain to the Commission what the blended hourly rate means.

Wade Vose – Attorney Vose said he would be happy to. He stated that the blended hourly rate simply means any attorney in their office. Attorney Voss said all 5 attorneys in their office happen to be partners, so it just means it is \$150.00 per hour for any of the attorneys. He added that he will be attending the meetings, but Becky Vose, and Al Schwarz could also attend the meetings. He added that Al Schwarz, who is a former assistant county attorney for Seminole County, may be working on some things that are within his particular specialties.

Cole Oliver – Mr. Oliver said in the event he is chosen for to be the legal counsel for the 2015-2016 CRC, how would he handle scheduling conflicts – which attorney from his office would be attending?

Wade Vose – Attorney Vose stated that if for some reason he couldn't be here because of scheduling conflicts, in every likelihood, it will be Becky Vose. He said his hope going forward into the New Year would be that the CRC would get on a regular schedule, as often times government meetings get on a regular schedule, like the first and third Monday or Wednesday of the month. Attorney Vose stated that his schedule is precisely built like that because of representing CRC's. He said that if the CRC can get on a regular schedule going into the New Year, he doesn't think there would be any problem at all. Attorney Vose advised that he still has a substantial number of spots available on his schedule, adding that he is particularly free on Wednesdays, but he can make a lot of different days work.

Kendall Moore – Chairman Moore recognized Mr. Fusscas, and then Mr. Young.

Peter Fusscas - Mr. Fusscas said with respect to a potential conflict between the State Statute and the Charter Review Commission, his understanding that the State Statute would take precedence. He asked if he could strengthen the State Statute, not weaken it and he is particularly interested in ethics and anti-corruption, etc., and he asked Attorney Vose to discuss that for him.

Wade Vose – Attorney Vose stated that yes there are ways, but generally it depends on how the Statute is written, and whether it grants some additional authority, adding that this particularly true with ethics. He said there is a grant in Chapter 112 which among other things is the ethics statute that could provide some additional strengthening – it explicitly states that you can layer more on. Attorney Vose stated that there a number of instances where you can provide a stricter standard than what you have in the Statute. He said it usually comes down; however, to whether that statute, based on the language in it, is meant to be both the maximum and minimum. Attorney Vose added that if it is clear by either the language or case law construing it, that it was meant to be not only the minimum regulation on it, but also the maximum regulation on it, then the county's hands and the county's charter hands are tied. He said it really comes down to the individual statute, but in particular with ethics. Attorney Vose stated that there is a particular provision within Chapter 112 - it always provided for a legal code of ethics, but it provides additional recognition and enforcement of them.

Kendall Moore - Chairman Moore stated Mr. Young also wished to ask questions of Attorney Vose.

Dale Young – Mr. Young said he takes it that Attorney Vose is not doing any business in the county. He asked if he has a regular day that he is committed to Orange County for Charter Review Commission meetings

Wade Vose – Attorney Vose stated that he has the schedule for Orange County and Pinellas County for the rest of the time, as well as the schedule for the City where he is the City Attorney for the rest of the time, so it would be very easy to sort all of that out. He added that he'd like to mention that Orange County has both their CRC meeting with the whole commission, and they have a lot of committees and a lot of meetings which are scattered all over the place on the calendar. Attorney Vose stated that they usually schedule those far in advance, so he will know when they are scheduled, or they schedule too many for the purpose that some can be dropped from the schedule. He added that he has quite a bit of latitude to make things work.

Kendall Moore – Chairman Moore recognized Mr. Adams.

Marty Adams – Mr. Adams said he recalled his proposal was \$175.00 an hour blended rate, and yet when he answered Mr. Oliver's question, he thought you said \$150.00.

Wade Vose – Attorney Vose stated that the proposal was for \$150.00, adding that tends to be their local government standard rate. He noted that this is substantially lower than his private rate.

Kendall Moore – Chairman Moore asked if there were further questions of Attorney Vose. He said in hearing none, he will close discussion, and he thanked Attorney Vose for his presentation.

Leslie Rothering – Ms. Rothering said at this point the applicants can come back in if they want to do that, as the discussion from this point is open. She advised that David Tolces said he is going to wait, and she asked Mr. Vose if he was staying or leaving.

Wade Vose – Attorney Vose said he is staying in any event.

Jason Steele – Mr. Steele asked Chairman Moore if they could have any private discussion first.

Kendall Moore – Chairman Moore stated that he is not sure we can legally have a private discussion at this point. He said he sees everyone writing and he asked if there is any desire to have further discussion, or is everyone prepared to do their scoring.

Leslie Rothering – Ms. Rothering advised that Mr. Tolces and Wade Vose are not coming back into the meeting at this time, to allow the Board to have discussion; however, they are waiting to here if the Board is scoring today.

Kendall Moore – Chairman Moore said he thinks he has seen enough writing going on to say they are scoring today. He asked if there was any discussion, questions or concerns. He recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco said he assumes we are scoring like the last time with the lowest score being their selection.

Leslie Rothering – Ms. Rothering stated yes, that is correct.

Cole Oliver – Mr. Oliver said he would like to make just one comment, and that is that he thought all 3 applicants did a wonderful job presenting, and were very qualified. He stated that Mr. Vose has a lot of experience; however, he is concerned with the fact that he already has 2 CRC's under his belt. Mr. Oliver added that he feels Mr. Vose, sufficiently addressed that to the Board.

Kendall Moore – Chairman Moore recognized Dr. Bobay.

Ronald Bobay – Mr. Bobay said he leaning toward Attorney Tolces as he was the attorney we used the last time. He stated because of his consistency and understanding of our charter, he feels it makes sense. Dr. Bobay stated that although his cost is much higher, he thinks it is worth serious consideration. Dr. Bobay said he was very impressed with Mr. Vose as well, and his rates are much more cost effective. He added that his firm is located in closer proximity to Brevard County, so there would be less travel time.

Kendall Moore – Chairman Moore recognized Mr. Ryals.

Jack Ryals – Mr. Ryals stated that if he remembers correctly, Mr. Tolces proposal was \$250.00 an hour...unintelligible

Kendall Moore – Chairman Moore replied exactly, adding that he doesn't think we asked Mr. Brown, and he is not sure if he even commented on that subject during his presentation.

Dale Young - Mr. Young stated it was included in his proposal.

Jason Steele – Mr. Steele said in his opinion it is problematic, as the travel time is the big issue. He stated that he was pleasantly surprised with the hourly rates as well as the \$150.00 an hour – that was fabulous. Mr. Steele said for those of you who do not

know, Mr. Vose, law partner is his mother, adding that he is well known in city circles as being one of the most proficient people there is in city government.

Kendall Moore – Chairman Moore recognized Mr. Rosasco.

James Rosasco – Mr. Rosasco stated he understands Mr. Bobay’s comments about consistency, but he likes the opportunity of having a much broader perspective, and it seems like Mr. Vose brings that to the table. He said he concurs with Mr. Steele and he was pleasantly surprised with the proposed rate, and that fact that there are no travel costs. Mr. Rosasco added that he was very impressed with Mr. Brown, and he didn’t mean to take a cheap shot at David Tolces, but he really felt the last time, their firm pulled a bait and switch. He said that Mr. Goren came here and made the presentation and that was the last we saw of him.

Chuck Nelson – Mr. Nelson said just for the sake of clarity, he believes the travel cost for Attorney Brown was included in the \$195.00 rate.

Cole Oliver – Mr. Oliver stated that he thinks when he said, “including travel time”; he meant that the rate starts when he leaves his office.

Ronald Bobay – Dr. Bobay said he just has one additional comment relating to Attorney Tolces, when he talks about \$500.00, that is only 5 hours, which equates to about \$100.00 an hour.

Kendall Moore – Chairman Moore asked if there are further questions or comments. He said in hearing none, he asked the Board to please sign their ranking sheets and return them to Leslie Rothering so she can score them. He stated that while we are getting our rating sheets to Ms. Rothering, just as an FYI, because we’ll have a new attorney at our next meeting, we have a few administrative items to take care of. Chairman Moore stated that there were 54 proposals submitted from the last go around of the CRC. He added that almost all were proposals were submitted by committee members before the public got started. He added that he would urge the board, that if you have ideas and thoughts to submit a proposal, if you could do so soon as that would allow us to get started in our process. Chairman Moore stated that as he recalls 20 out of the 54 were from the members of the committee, so just for the sake of planning, he would ask you to please go ahead and submit them.

Maureen Rupe – Ms. Rupe asked if any of the 20 proposals got through to the ballot.

Kendall Moore – Chairman Moore said there is a status chart of the 54 proposals that indicates how far the proposals made it; however, he doesn't have chart with him today. He advised that Ms. Smith will electronically send that chart to the Board.

Ronald Bobay – Dr. Bobay said just for discussion, he liked the way we did it last time, going section by section, and submitting proposals as we went along.

Kendall Moore - Chairman Moore said if you recall a couple of meetings ago, we talked about that the fact are no specific guidelines as to how we should conduct our business. We could just entertain proposals, adding that it appears Mr. Young has a stack that he is prepared to submit. Chairman Moore added that we could go through the entire charter, section by section from beginning to the end. He asked the Board what their thoughts are on this subject.

Jason Steele – Mr. Steele said he actually had hoped that we could have the attorney on board prior to discussing these issues as some of them are quite complex, as was previously mentioned by Mr. Rosasco. He stated that discussion about a comptroller as a charter member, school board superintendent being an elected official etc., are all very complex issues that he would like to discuss with our attorney.

Kendall Moore – Chairman Moore said the last time through the review of the charter, although it was costly, the attorney made themselves available to the members for discussion. He added that he would ask the Board to be conservative of your use, but if you have something that is clearly not constitutional it is better know that up front before investing a lot of time and research, only to find it does not meet the threshold required to move forward. Chairman Moore added that it is not job of the attorney to decide yea or nay on a proposal, but just to insure the proposals meet the thresholds required to move forward.

Maureen Rupe - Ms. Rupe asked if the County staff will be available to get any information that the Board may need.

Kendall Moore – Chairman Moore said at his request, he had a conversation with the County Manager, and it was agreed that Ms. Smith can facilitate the idea that we can reach out to county directors for background information. He added that the idea is that we will facilitate this through the manager's office rather than each of us reaching out to individual directors. Chairman Moore stated that this also includes, if you have a desire for a staff member to come and give their expertise to the Board in a public setting.

Peter Fusscas – Ms. Fusscas stated that he is always interested in hearing from the general public as to their concerns in terms of the County Charter, and he asked if we are planning to do any advertising or any kind of communication so we can encourage the general public to express their views. He asked how we are going to go about getting the general public involved.

Kendall Moore - Chairman Moore stated that as he had previously mentioned, we have requested assistance in the drafting a press release to be sent out to the entire County's media press list in order to disseminate information about the Charter Review process. He added that if the Board can think of any other publications, to please let him know as we would like to disseminate as widely as possible to make everyone aware as to what is going on.

Maureen Rupe - Ms. Rupe asked if the agenda for upcoming meetings will be posted on the County Webpage so the public will be aware of what is to be discussed.

Kendall Moore – Chairman Moore said this was done the last time and he had asked Ms. Smith to check on having this done again.

Sandra Smith – Ms. Smith stated that she had been in touch with the IT Department, and they are willing to set this up for us once again.

Kendall Moore - Chairman Moore advised that the agendas, approved minutes, meeting dates, as well as the Rules of Procedure will be on the County Webpage in the near future to keep the general public informed as to what is going on with the Charter Review Commission.

Jason Steele - Mr. Steele said he thinks social media is a great way to get our message out there. He added that he thinks it would be detrimental for anyone on the Board to participate on a social media site ourselves; but it is an excellent way to spread the word about the Charter Review Commission.

Chuck Nelson – Mr. Nelson stated he agrees that social media is an excellent way to get the word out; however, he thinks we could identify someone on the county staff to set this up for us.

Marty Adams – Mr. Adams asked if any civic organizations like the Lions and the Rotary Club have gotten involved in the past with helping to get the word out.

Chuck Nelson – Mr. Nelson stated that they are typically not political, in fact they are structured in such a way to not take a political position. He added there may be

individuals who are members of those groups that would be interested on a personal level however.

James Rosasco - Mr. Rosasco suggested that we might want to add Mel Scott to the invitation list since his recent departure from Brevard County, as he may be interested on a personal level.

Kendall Moore - Chairman Moore stated that we will add Mr. Scott to the invitation list as well as any another individual or organization.

Dr. Ron Bobay – Dr. Bobay stated that League of Cities was also a part of the invitation list.

Kendall Moore - Chairman Moore asked Ms. Rothering if she was ready to address the Board with the results of the rankings for the attorneys.

Leslie Rothering – Ms. Rothering stated that the number one applicant that you selected based upon the rankings, was Wade Vose. She added that David Tolces was number 2, and Larry Brown was number 3.

Chuck Nelson – Mr. Nelson asked what the total number of points was for each attorney.

Leslie Rothering - Ms. Rothering stated that Wade Vose had a total of 15 points, David Tolces had 25 total points, and Larry Brown had 26 total points. She added that those points were the total of all of your rankings. Ms. Rothering advised that this will have to back before the Board of County Commissioners with the compensation rate, as was stated in the original solicitation for the Charter Review Commission attorney.

Kendall Moore - Chairman Moore asked Ms. Rothering to go out and ask the attorneys to return to the meeting.

Leslie Rothering – Ms. Rothering asked the attorney's to return to the meeting. She said the committee has scored, and Wade Vose was selected as the attorney for the 2015-2016 Charter Review Commission, with David Tolces second, and Larry Brown third. She added that this has to go back to the Board of County Commissioners, and their next meeting is November 3rd. Ms. Rothering advised that she will prepare the agenda request and send it to Mr. Moore for review.

Kendall Moore - Chairman Moore asked if the Board of County Commissioners meets in a planning context before the November 3rd meeting.

Leslie Rothering – Ms. Rothering said no; however, the Board does meet on October 20th, but the time has passed to get on that agenda. She added that she might be able to get this as an add-on item to that agenda.

Kendall Moore - Chairman Moore said he will make a request that she try to get this as an add-on item for the Board of County Commission meeting on October 20, 2015. He stated that the reason he is asking for this, is that it is beyond the CRC's next meeting date. Chairman Moore said if the Board would like to make a motion relative to what we need to do, as this has to go back to the County Commission for approval. He asked the Board to please include in the motion, based on his authority, that this be considered as an add-on agenda item for the October 20, 2015, County Commission meeting.

Jack Ryals – Mr. Ryals said he would make a motion that the County Commission hire Wade Vose as the 2015-2016 Charter Review Commission attorney at the rate of \$150.00, and that this be an add-on agenda item for their meeting on October 20, 2015.

James Rosasco – Mr. Rosasco seconded the motion.

Kendall Moore - Chairman Moore asked for discussion on the motion. He said in hearing none, he said all those in favor of the motion, please signify by raising your hand, opposed the same. Chairman Moore said the motion passes unanimously.

Chairman Moore thanked the attorneys for their presentations today, and he congratulated Wade Vose as the Board's selection for the 2015-2016 Charter Review Commission attorney.

Chairman Moore said if there no other business to bring before the Board, we will consider ourselves adjourned at 4:26 p.m.

