

DRAFT

SPECIAL CALLED
MEETING & WORKSHOP

BOARD OF COUNTY
COMMISSIONERS

DEC. 15, 2020

The Board of Sumter County Commissioners (BOCC/Board) convened in a special called session and workshop meeting on Tuesday, December 15, 2020, at The Villages Sumter County Service Center in Wildwood, Florida with the following members present to wit: Gary Search, District No. 1; Doug Gilpin, District No. 2; Craig Estep, District No. 3, Vice Chairman; Garry Breeden, Chairman, District No. 4; and Oren Miller, 2nd Vice Chairman, District No. 5. The following individuals were also present and acting in their respective official capacities: Bradley Arnold, County Administrator; Caroline Alrestimawi, Deputy Clerk; and Jennifer Rey of The Hogan Law Firm, Attorneys for the Board. Commissioner Breeden called the meeting to order at 5:00 p.m. The complete audio recording of this meeting is available by request through the Clerk's Website - www.sumterclerk.com.

1. Public Forum

There was no input from the public.

2. Reverse One Sumter (For Direction).

This item was brought forth by Commissioner Miller. The topic of transition from a BOCC elected at-large (countywide) (One Sumter) to a single-member district election (Reverse One Sumter) is the focus of this agenda item for the Board's discussion and direction. Bill Keen, Supervisor of Elections, and Jennifer Rey, County Attorney were present to answer any legal questions and assist with the discussion. Ms. Rey corrected her memo where she referenced an August 2021 Primary. The memo should have referenced an August 2022 Primary. In 2004 the voters passed the One Sumter referendum with the language of: "Shall the five members of the Board of County Commissioners of Sumter County, Florida, be elected to office from at large districts by qualified electors residing in Sumter County?" The vote occurred on August 31, 2004, with the total vote passing the referendum at 51.44% to 48.56% (10,577 to 9,983 votes). In 2008 the voters did not pass the Reverse One Sumter referendum with the language of: "Shall the five members of the Board of County Commissioners of Sumter County, Florida, be elected to office from single-member districts by electors residing in each of those districts only?" The vote occurred on November 4, 2008, with the total vote not passing the referendum at 61.17% to 38.83% (28,012 to 17,782 votes). The cost to conduct a special election on this subject is estimated by the Supervisor of Elections with and without EV as \$378,769.75 and \$261,693.50, respectively. Early voting is required in an election that contains state or federal races; it is otherwise discretionary. See § 101.657(1)(d), (e), and (f), Fla. Stat. Discussion of a possible mail only election on this topic was considered by the Supervisor of Elections to reduce the cost of the ballot question for a special election; however, the State of Florida provided information less supportive of the process and deferred to the determination of the County Attorney on the topic. Commissioner Breeden's position is that this item has been voted on twice, the second time by a greater than a 60% vote. Commissioner Breeden does not believe that it is the Board's place to put this item on a ballot because if there is enough interest out

there to put it on a ballot then there should be enough interest to collect the petitions necessary to get the item on a ballot, which would then come to Board for a vote. Commissioner Breeden feels that if the Board votes to put this item on the ballot without going through the petition process, the Board is ultimately voting to attempt to overturn the decision that the voters have already made. Commissioner Gilpin agrees with Commissioner Breeden and does not believe that it is the Board's place to redo election laws. Commissioner Miller feels that the voters have much more information now, then when it was voted on in the past. Commissioner Miller thinks that it should be put on the Primary and/or General Election Ballot to let the voters decide. Commissioner Breeden stated that if the required amount of petitions were gathered and it came to this Board then the Board would obviously approve putting it on a ballot. Commissioner Miller stated that he has 11,000 petitions in his closet, which are signed, vetted and ready. Commissioner Miller said that the issue with this type of petition is that they all have to be turned in at one time and if you are short by one petition then you have to start over, which Mr. Keen also confirmed. There are 10,153 petitions needed to have the item put on the ballot. Mr. Keen advised that before turning in petitions, you would want to have as large of a buffer as you could get, which is why Commissioner Miller's goal was 12,000 petitions. Commissioner Miller stated that they were on track to get them filled out but when COVID came out, so they stopped the process due to COVID related concerns. Mr. Keen stated that to get the item on the ballot for the 2022 Primary or General Election, January 2022 would be an ideal time to turn the petitions in to allow time to have the Board vote on it and get the issue on the ballot. The Board provided consensus to place the item on the next regular meeting agenda. The Board will determine if they will take no action until petitions are submitted and certified or take action to move forward with placing the item on the 2022 Primary Election.

12-15-20-2

3. No-Kill And Open Shelter Resolution (For Direction).

The Florida Statutes (F.S.) governing animal shelters is in Chapter 823 – PUBLIC NUISANCES and provides the framework for the operations for managing lost or stray cats as found in F.S. 823.15 and 823.151. The majority of the other Florida Statutes regarding animal care include F.S. 828 - ANIMALS: CRUELTY; SALES; ANIMAL ENTERPRISE PROTECTION. F.S. 828.058 Euthanasia of dogs and cats – describes the technical process and requirements for euthanasia and alludes to the practice of euthanasia within “facilities which are operated for the collection and care of stray, neglected, abandoned, or unwanted animals.” This terminology leaves the discretion of euthanasia to the facility operators. As noted in the resolution adopted on October 27, 2020, the desire to have a 90% live release rate or greater was formalized again by the Board but recognized that having an open shelter allows for owner-surrendered euthanasia of animals and euthanasia of animals when the capacity of the shelter is exceeded. The resolution also took the next step to support more volunteerism at the shelter. The exceeding of the shelter’s capacity can occur rapidly from law enforcement cases that require Animal Services to hold live evidence or from the volume influx from hoarding type cases or during times of disease outbreak due to increased separation of

animals. The recent trend information is promising, but it is unlikely that intake will remain the same or decline. Commissioner Miller explained what "no-kill" means in an animal shelter. Animals will still be humanely euthanized if they are too sick to be taken care of or medically treated or if they are too aggressive to be socialized. No-Kill means that animals will not be euthanized because the shelter is crowded. Commissioner Miller mentioned a book called, The Best Practice Playbook for Animal Shelters, which he believes is a phenomenal book on No-Kill type operations that should be read. Commissioner Breeden's issue with "no-kill" is that it is a misrepresentation because animals can still be euthanized. Commissioner Miller agreed that the term is a bad nomenclature but also pointed out that there are companies and people who will donate to shelters that are classified as "no-kill". Mr. Arnold also emphasized that owner surrender requests for euthanasia is also allowed under "no-kill". The other part of this item is the "open shelter" component. If a shelter is "closed", once the shelter meets capacity, the doors are closed and will not take in any more animals. An open shelter would accept animals, even if capacity was met. Stephen Kennedy, Assistant County Administrator has contacted Miami-Dade County because they have a No-Kill Open Shelter. Commissioner Breeden would like more time to have an opportunity to allow the Commissioners to read the book that Commissioner Miller referenced before making a decision. Commissioner Miller, Commissioner Estep, and Commissioner Search provided consensus to put this item on the next regular meeting agenda. Commissioner Gilpin does not support putting this item on the next agenda. Commissioner Search asked questions of Mr. Kennedy regarding volunteers and the Petfinder service.

12-15-20-3

4. Anti-Tethering Ordinance (For Direction).

This item was initiated by Commissioner Miller. Mr. Arnold had the County Attorney prepare a new ordinance because the current Sumter County Code of Ordinance does not prohibit tethering of animals provided they have adequate shelter, water, and food within reach of use of the tether. To consider an anti-tethering ordinance alone would create several areas of conflict within the current code; therefore, if considered, the attached amendment to the existing ordinance would address any of those conflicts. This proposed Ordinance would not be a heavy handed enforcement of the Ordinance but would be more complaint driven. If there is not consensus, this item will go on the agenda to vote for setting a public hearing. Commissioner Breeden believes that our current Ordinance regarding tethering is adequate, as he is not opposed to tethering under the correct conditions. Commissioner Miller reinforced Mr. Arnold's statement that he did not want an updated Ordinance to be a hunt for individuals breaking the Ordinance, but complaint based. Commissioner Gilpin voiced that he does not believe the Board should be telling people how to live their lives. This item will be on the agenda to vote to set a public hearing.

12-15-20-4

Commissioner Search spoke regarding the Wildwood Food Pantry's outreach in Croom-a-coochee. Commissioner Search feels that as a County, we should recognize groups who do great things, unselfishly to help other people have a better life. Commissioner Search asked if there could be some type of recognition or community award, specifically for the Wildwood Food Pantry at the next meeting. Mr. Arnold stated that in the past the Board has presented letters of recognition to individuals serving the community. Mr. Arnold will prepare a letter of recognition to be presented at the next Board Meeting.

5. State Of Emergency Declaration Extension (Staff Recommends Approval).

Mr. Arnold provided a COVID-19 related update. There are 106 cumulative deaths with 30 individuals hospitalized in The Villages Hospital, seven in ICU, and one on a ventilator. Mr. Arnold spoke with Dr. Zelnick and he believes that the numbers are due to the wave from Thanksgiving gatherings. A resident contacted Commissioner Estep regarding Sumter County's receipt of vaccinations. The Governor and the State Health Department determine which counties and groups of people get the vaccinations first. Data says that Broward County, Palm Beach County, and Pinellas County with high numbers should get it first, specifically long term care facilities. There is no set date regarding when Sumter County will have the vaccination and no indication of where the County is in that line. However, Dr. Zelnick is monitoring the situation. When Sumter County is provided the vaccination, it will be intended for long term care facilities and hospital workers. Commissioner Gilpin requested that the Board put out a call to the citizens to encourage them to continue doing all the CDC's recommendations. Mr. Arnold will get Dr. Zelnick involved in a press release. The CARES Act funding application period has ended. The following entities were served under the CARES Act funding: 66 individuals (over \$166,000); 56 businesses (over \$483,000); and 8 governmental entities (over \$1.9 million). Mr. Arnold noted that staff was going through the Blackjack Sporting Clays applications to ensure Blackjack will make the vendors or the County whole for any irregularities that may be found.

12-15-20-5

Commissioner Estep moved, with a second by Commissioner Search, to approve the Local State Of Emergency Declaration Extension. The motion carried 5 - 0.

6. Adjourn

The meeting adjourned at 5:50 p.m.