



TOWN OF MELBOURNE BEACH

REGULAR TOWN COMMISSION MEETING

JUNE 18, 2025

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Town of Melbourne Beach
REGULAR TOWN COMMISSION MEETING
Wednesday, June 18, 2025 at 6:00 p.m.
COMMUNITY CENTER – 509 OCEAN AVENUE

PUBLIC NOTICE
AGENDA

Commission Members:

Mayor Alison Dennington
Vice Mayor Dawn Barlow
Commissioner Robert Baldwin
Commissioner Anna Butler
Commissioner Tim Reed

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Town Clerk Amber Brown

- 1. Call to Order**
- 2. Roll Call**
- 3. Pledge of Allegiance and Moment of Silence**
- 4. Meeting Agenda – Additions/Deletions/Changes**
- 5. Proclamations/Awards**
 - A. Proclamation recognizing Aging Matters in Brevard for 60 years of service
- 6. Presentations by Special Guests (Maximum of 5 Minutes)**
- 7. Public Comment (Non-Agenda Items)**

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.
- 8. Consent Agenda**
 - A. Approval of the Regular Town Commission Meeting minutes May 21, 2025
 - B. Approval of the first Special Town Commission Meeting minutes June 2, 2025
 - C. Appointment of Bruce Larson as a board member on the Technology Advisory Board
- 9. Public Hearings/Special Orders**

10. Unfinished Business

- A. Approval of the Town Commission Workshop minutes April 30, 2025
- B. Discussion on the proposed ordinance language for owner-occupied short-term rentals and life safety issues or revisions – Town Attorney Ryan Knight
- C. Consideration on the Charter Review Committee recommendations – Town Attorney Ryan Knight
- D. Additional document to add to the Charter Review Committee recommendations – Mayor Alison Dennington

11. New Business

- A. Consideration for the Parks Board to host a Back to School Event – Parks Board
- B. Consideration on Resolution 2025-10 – Censuring Mayor Alison Dennington – Commissioner Robert Baldwin
- C. Discussion on inspection plan of Town assets – Public Works Director Tom Davis
- D. Consideration on a finger pier (dock) at the Sixth Ave boat ramp – Commissioner Robert Baldwin
- E. Discussion on Town Manager and Public Works Director's conduct regarding auction signs – Mayor Alison Dennington
- F. Consideration on increasing the hourly parking rate – Vice Mayor Dawn Barlow

12. Finance/Budget Report**13. Town Staff/Board Reports**

- A. Building Department
- B. Public Works Department
- C. Code Enforcement
- D. Fire Department
- E. Police Department
- F. Town Clerk
- G. Town Attorney
- H. Town Manager

14. Commission Reports

- A. Mayor Alison Dennington
- B. Vice Mayor Dawn Barlow

15. Task List**16. Adjournment**

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this meeting, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so. In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.

Official Proclamation

TOWN OF MELBOURNE BEACH, FLORIDA

RECOGNIZING AND COMMENDING AGING MATTERS IN BREVARD FOR 60 YEARS OF SERVICE TO THE CITIZENS OF BREVARD COUNTY

WHEREAS, Aging Matters in Brevard, originally known as The Community Service Council, was incorporated as a not-for-profit organization on June 7, 1965, and today promotes the independence, health, safety, and quality of life of seniors countywide; and

WHEREAS, Aging Matters is now the leading agency providing direct services to seniors across Brevard County and is kicking off its 60th anniversary 2025-2085 CHAMPIONS initiative on July 1; and

WHEREAS, having grown alongside Brevard County, now employs more than 90 staff members and mobilizes more than 800 volunteers who drive more than 400,000 miles; and

WHEREAS, together, staff and volunteers, with support from a myriad of supporters, provide life-changing services annually to hundreds of seniors countywide, including 79,000 hours of companionship, respite, socialization, safety and wellness checks, and light housekeeping in 2024; and

WHEREAS, prepared more than 425,000 meals at its Brevard Community Kitchen, and distributed them daily through its Meals on Wheels program; weekly at 13 Seniors at Lunch community dining centers, and monthly provided pet food to 160 clients through Pets on Wheels; and

WHEREAS, installed 178 ramps and 2,100 grab bars; operated The Sunflower House, which provides critical caregiver support; recruited RSVP (Retired Senior Volunteer Program) Volunteers for its own and many other organizations, and conducted Bone Builders classes for 370 seniors to prevent osteoporosis.

NOW, THEREFORE, I, Alison Dennington, Mayor of the Town of Melbourne Beach, by virtue of the authority of said office, do hereby recognize and commend

AGING MATTERS IN BREVARD

For 60 years of distinguished service to the citizens, and particularly the senior citizens, of Brevard County, and congratulates the Board of Directors and Leadership Team for a job well done.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Town of Melbourne Beach to be affixed this eighteenth day of June, Two Thousand Twenty Five.

_____ day of _____, 20 _____

Mayor

Attest: _____

Town Clerk

Town of Melbourne Beach

REGULAR TOWN COMMISSION MEETING
May 21, 2025 at 6:00 p.m.
COMMUNITY CENTER - 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington
Vice Mayor Dawn Barlow
Commissioner Robert Baldwin
Commissioner Anna Butler
Commissioner Tim Reed

Staff Members:

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Town Clerk Amber Brown

1. Call to Order

Mayor Alison Dennington called the meeting to order at 6:00 p.m.

2. Roll Call

Deputy Clerk Cyd Cardwell conducted roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Dawn Barlow
Commissioner Robert Baldwin
Commissioner Anna Butler
Commissioner Tim Reed

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Chief of Police Tim Zander
Finance Manager Jennifer Kerr
Public Works Director Tom Davis
Deputy Clerk Cyd Cardwell

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Meeting Agenda – Additions/Deletions/Changes – 2:22

Commissioner Tim Reed made a motion to approve the agenda; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

5. Proclamations/Presentations/Awards – 3:30

A. Proclamation recognizing May 17th through May 23rd as National Safe Boating Week

Robert Tribell with the Coast Guard spoke about National Safe Boating Week. Florida leads the nation in boating accidents. Recommended wearing life jackets and said that the consumption of alcohol is the contributing factor to most accidents.

Mayor Alison Dennington read the National Safe Boating Week Proclamation.

6. Presentations by Special Guests (Maximum of 5 Minutes)

7. Public Comment (Non-Agenda Items) – 7:40

Frank LaGrassa – 412 First Ave – Spoke about how bids must be multiple and must be contracts. Spoke about how there was no contract with BSE. Commended Mayor Alison Dennington's persistence in getting the information and finding out there was no contract.

Leslie Maloney – 1403 Pine St - Spoke about the workshop about the tree ordinance, there was a request for research on impervious surface limits which they have done. She passed out paperwork to the Commission. Surrounding communities are enforcing stricter impervious surface limits, around 40% coverage, which prevents oversized homes from taking up the entire lot.

Barbara Struttman – 802 Pine St - Said she was there to offer her support to the Mayor in her efforts to keep the Town beautiful. Asked that the residents of the Town work together and put aside any ill will.

Jan Pence – 200 Riverside Dr - Passed out paperwork. Spoke about how the Mayor owns 4 houses in the Town of Melbourne Beach, and that they are listed under Funoe LLC. Spoke about how she is denying the lawsuit and how that is untrue. Said it's illegal to claim homestead on houses in an LLC.

Mayor Alison Dennington said it is a 4 member LLC.

Pat Scordino – 500 Harland Ave – Had a question about her property. Started to speak about item 10 G. on the agenda but was asked to hold her comment for public comment during that item.

Stephen Gallagher – 318 Third Ave - Said he thinks the Mayor should resign.

Kate Wilborn – 502 Second Ave - Spoke about how the Mayor holds people accountable and how that is important for the big projects coming up.

James Simmons – 409 Avenue B - Spoke about how there used to be a lot of turmoil in the Town, but Town staff and processes have been getting cleaned up over the last several years. Now there is more turmoil than before. Said nothing has been accomplished during the Mayor's tenure, but a lot has been destroyed. Asked the Mayor to reflect on what she's done for the Town.

Amy Rickman – 303 Sunset Blvd - Spoke about how there was a bill of \$157,000 because the Mayor did not get a permit for the shed in the neighborhood. Said the Mayor does not think about the Town of Melbourne Beach and the Town needs another Mayor.

John England – 514 Avenue B - Asked the Commission to make a motion to build a small dock at the boat ramp. Also asked the Mayor to resign if she would not stop suing the Town. - 30:55

Kari Ross – 206 Flamingo Ln - Read the resignation letter of Building Official Robert Bitgood.

Tina Coppock – 505 Avenue B - Said the Mayor continues to bully the Town residents and fellow Commissioners. Asked the Mayor to drop the lawsuits and resign. Read a letter she had drafted to email to the Florida DOGE Office.

Joyce Barton – 322 Third Ave - Spoke about how the Mayor has cost the Town \$157,811. Spoke about how this all started with a shed and the problem could have been rectified if she had just gotten a permit and inspection. Leadership should bring the Town together and work for the common good of all. We all want peace and a bright future for Melbourne Beach.

James Eubanks – 306 Beaujean Ave - Expressed his support for the boat dock recommendations.

Ashley Ball – 210 Cherry Dr - Spoke about how she wants her family to be able to go on the boat at 6th Ave. Coquina rock was put in front of the wall.

Mayor Alison Dennington suggested people with questions on the subject can talk to the Public Works Director.

Commissioner Robert Baldwin said they could put that topic on the agenda for next month.

Jason Judge – 206 Flamingo Ln - Said let's stop the fighting and make this place better. Said at some point, the Mayor needs to look inward to determine why she cannot work with her neighbors. Spoke about the various lawsuits she has brought to the Town.

Bryan Troy – 509 Hibiscus Trl - Spoke about when he met the Mayor and how she was disrespectful when he was speaking at a meeting. Spoke about her fear mongering in the past about a small boat ramp and how she is still fear mongering today. Said she was going to STR her own 4 homes and decided not to out of convenience.

Deputy Clerk Cyd Cardwell read a public comment provided by **Roger Newell – 506 Colony St** - Spoke about new positions in the Town not being advertised. Mismanagement is out of control and there is no respect for the taxpayers. Said the Mayor ran a campaign on change and was voted in by residents who wanted the same.

Deputy Clerk Cyd Cardwell read a public comment provided by **Mark McBride – 310 Second Ave -** Spoke about the lack of proper enforcement of STRs, said the Town Manager has not delivered competent management of the Town's STRs, and asked that they find someone who will.

8. Consent Agenda – 1:01:30

- A. Approval of the Town Commission Workshop minutes April 2, 2025
- B. Approval of the Regular Town Commission Meeting minutes April 16, 2025
- C. Approval of the Special Town Commission Meeting minutes April 23, 2025
- D. Approval of the Town Commission Workshop minutes April 30, 2025
- E. Approval of the Town Commission Workshop minutes May 5, 2025
- F. Approval of the site plan for 394 Riverview Lane – new single-family home

Mayor Alison Dennington asked for items D and F to be pulled to new business. They just received item D minutes today so no time for review and item F there were parts of the permit where required spaces were left blank.

Commissioner Tim Reed made a motion that we approve Items A, B, C, E on the Consent Agenda; Mayor Alison Dennington stated that a motion was not required as long as there was no objection from all Commissioners; no objection stated for approval of Items A, B, C, E.

9. Public Hearings/Special Orders

10. Unfinished Business – 1:05:25

- A. Approval of the Regular Town Commission Meeting minutes March 19, 2025

Commissioner Robert Baldwin made a motion to approve the Regular Town Commission Meeting Minutes from March 19th as amended; Commissioner Anna Butler seconded; Motion carried 5-0.

- B. Approval of the first Special Town Commission Meeting minutes March 31, 2025

Commissioner Anna Butler made a motion to accept meeting minutes from March 31st, 2025; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- C. Resolution 2025-05 Establishing a Technology Advisory Board – Town Attorney Ryan Knight
A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, ESTABLISHING A TECHNOLOGY ADVISORY BOARD TO MAKE RECOMMENDATIONS TO THE TOWN COMMISSION; PROVIDING FOR ITS DUTIES, RESPONSIBILITIES, MEMBERSHIP, AND MEETINGS; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Attorney Ryan Knight said the current resolution provides that each member shall be a volunteer who applies to be a member subject to approval of the Town Commission.

Commissioner Tim Reed said other boards have a term for 2 years and recommended keeping this board consistent with that to also have a 2 year term.

Commissioner Tim Reed made a motion to approve Item C in Unfinished Business with the change of having a 2-year term; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- D. Resolution 2025-10 Supporting DOGE and requesting assistance, including AI-driven auditing for review and evaluation of current and future budgets and operations

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, SUPPORTING EXECUTIVE ORDER 25-44, ENTITLED *ENSURING GOVERNMENT EFFICIENCY*, AND SUPPORTING COLLABORATION WITH THE GOVERNMENTAL EFFICIENCY TEAM WITH IDENTIFYING UNNECESSARY LOCAL GOVERNMENT SPENDING, CREATING EFFICIENCIES, AND SAVING TAXPAYER DOLLARS; AND PROVIDING FOR AN EFFECTIVE DATE.

Vice Mayor Dawn Barlow made a motion to approve Resolution 2025-10; Commissioner Anna Butler seconded; Motion carried 5-0.

- E. Discussion on the proposed ordinance language for owner-occupied short-term rentals and life safety issues or revisions – Town Attorney Ryan Knight

Town Attorney Ryan Knight said he thought something would be finalized at this point but the language is not finalized yet. Needs more clarification on a parking issue. Will have a first reading for the next meeting. Said it is not too comprehensive and if the Commissioners wanted to call to discuss it prior to the meeting they could.

Vice Mayor Dawn Barlow made a motion to table Item E to the next Regular Town Commission Meeting; Commissioner Robert Baldwin seconded; Item was withdrawn.

- F. Consideration on the Charter Review Committee recommendations – Town Attorney Ryan Knight

Town Attorney Ryan Knight said in order to draft an ordinance, he needs clarification of what amendments the Commission wants included and if there are any changes they want to make to what the CRC presented.

Commissioner Tim Reed spoke about Section 3.03 bullet D, said he is not on board with the usage of the word interfere. Would like an interference clause or describe it directly. Said they are not directing or tasking staff.

Mayor Alison Dennington said that the examples they were sent all defined interference which says it is not asking staff for information or records. Said she would like to leave that provision the same. Said the Commission could come up with their own policy where they define inquiries and investigations and put some limits on themselves.

Commissioner Robert Baldwin said he would be in favor of approving the other 5 high priority ones and pulling this off and handling it as a resolution.

Commissioner Robert Baldwin made a motion to accept the high-priority recommendations of the Charter Review Committee and enumerate sections 2.03, 2.04, 2.09, 3.01; Commissioner Robert Baldwin withdrew the motion.

Commissioner Robert Baldwin made a motion to not adopt section 3.03 on the Interference Clause; Commissioner Tim Reed seconded; Motion carried 5-0.

Mayor Alison Dennington spoke about her concern with changing moral turpitude to malfeasance/misfeasance. Suggested some language changes.

Town Attorney Ryan Knight said malfeasance and misfeasance are defined in Florida Statute.

Mayor Alison Dennington also spoke about having an issue with Section 3.04 about the Clerk. Said that she feels they are taking away independence from the Town Clerk and how that is dangerous theoretically and in practice.

Vice Mayor Dawn Barlow asked if the Town Attorney had guidance on the language about malfeasance and misfeasance.

Town Attorney Ryan Knight said these are the CRCs recommendations and he does not have anything to add, it is just the Commission's preference.

Commissioner Robert Baldwin made a motion to table the rest of the discussion on this agenda item to allow the Town Attorney time to investigate the malfeasance/misfeasance question and we bring this back next Regular Town Commission Meeting; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

- G. Basin 1 stormwater project breakdown for phase 1 – Town Manager Elizabeth Mascaro - 1:25:18

Town Manager Elizabeth Mascaro spoke about the documentation that the Commission requested of BSE to remove the swale work and keep the pipe work to be bid by an RFP. Shows an estimated cost to do just the pipework and there are 4 additional options which would be up to different companies for how they want to bid. Said they have not scoped the section that they did not do before, have not done anything until new contracts are issued.

Commissioner Tim Reed confirmed the additional options are if they are needed. Said he did not understand the replacement in the green space.

Commissioner Robert Baldwin said it is putting pipe next to the old pipe instead of ripping out the old pipe.

Town Manager Elizabeth Mascaro said she was looking for a decision from the Commission if they would like to bid the project to send out for an RFP.

Commissioner Tim Reed asked where they were at with getting a contract with an engineering company.

Town Attorney Ryan Knight said the contracts have been sent out, they received pricing sheets from contractors and are waiting to see if there are any revisions. Said he should hear by the end of the week, revisions usually don't take long.

Commissioner Tim Reed expressed his concern that they are not on contract technically with the companies now and because of that, he is concerned that any interactions or work should

be limited to design or planning aspects, no materials being ordered, no physical work being conducted, etc.

Town Manager Elizabeth Mascaro spoke about the bid timeline. The bid is generally 30 days, then they have to allow whoever wins the bid to organize their crews and come up with a time frame of when they can start and how long the work will take to complete.

Vice Mayor Dawn Barlow suggested making a motion to send a bid out once the contracts are finalized.

Mayor Alison Dennington said she would like the contracts to be done and then to call a Special Meeting to discuss that.

Town Attorney Ryan Knight suggested that the Commission could name a day to send it out for an RFP on the condition that the contract has been executed.

Town Manager Elizabeth Mascaro said once bids are opened and recorded, it will come before the Commission to review so they can see prices, what each company thinks should be included, and they can attend the meeting and answer the Commissioner's questions.

Vice Mayor Dawn Barlow made a motion that we send this out for RFP by June 1st with the condition that the CCNA agreements is executed by BSE; Commissioner Anna Butler seconded; Vice Mayor Dawn Barlow amended motion to put the project out for RFP on June 2 or thereafter; Commissioner Anna Butler seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

Mayor Alison Dennington read a public comment provided by *Pat Scordino – 500 Harland Ave* – *Spoke about her concern about her property and the stormwater fixes, said her yard and driveway took the brunt of the construction zone last time it was fixed and wants to know what will happen to her property this time.*

Public Works Director Tom Davis was tasked to follow up on the public comment with the resident.

- H. Discussion on leasing a large pump to provide emergency flood protection – Commissioner Tim Reed - 1:45:10

Commissioner Tim Reed spoke about how this is to have a portable stormwater pump available to deal with surge protection of flooding. Gave an example that Cape Canaveral uses. Recommends when they have engineering firms on contract, use one to evaluate or consult on this proposal and offer suggestions. Suggested putting it on the task list.

Town Manager Elizabeth Mascaro suggested coming up with a price point and if it was under that, they could approve it and if it was above that amount they could bring it back to the Commission.

Town Attorney Ryan Knight spoke about a task authorization issued first that would be signed off on by both parties with the exact amount in there.

Mayor Alison Dennington said she wanted to get the contract first but does support this.

Commissioner Tim Reed made a motion to add this item to the task list to come back time wise after we have all the engineering companies on contract; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- I. Consideration on the lease extension for the Old Town Hall building – Town Manager Elizabeth Mascaro - 1:51:10

Town Manager Elizabeth Mascaro said she received the 5 year lease extension from the County and will not begin until the expiration of the old lease. They are also approving of the new roof, the Town just needs to provide the proof of insurance policy.

Town Attorney Ryan Knight spoke about the MOU has not been finalized, but it is in process.

Commissioner Tim Reed said in the existing lease there is an item that calls for the Town to do quarterly reports. Does not know who does that or if it is actually happening, suggested if both parties are okay with it, possibly removing that.

Item tabled until the Memorandum of Understanding comes back.

11. New Business – 1:54:10

- A. Resolution 2025-08 Stormwater Utility Assessment Roll Certification – Finance Manager Jennifer Kerr

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH OF BREVARD COUNTY, FLORIDA, CERTIFYING THE ANNUAL STORMWATER UTILITY ASSESSMENT ROLL FOR THE TOWN OF MELBOURNE BEACH STORMWATER UTILITY BUDGET FOR FISCAL YEAR 2025/2026; AND PROVIDING FOR AN EFFECTIVE DATE.

Finance Manager Jennifer Kerr said this is the resolution to adapt the rate for the stormwater utility assessment roll and must be done prior to the end of July. Said she has to get it to the County by July so they have time to submit it by September. The resolution attached is from 2000 and has a rate of \$36.

Town Manager Elizabeth Mascaro said this generates around \$55,000 which goes into the stormwater fund.

Commissioner Tim Reed spoke about how if they are going to spend a million dollars towards stormwater, they only have 759,000 and this small amount of money does not help with that. Town Manager Elizabeth Mascaro said they have 1.7 million available.

Mayor Alison Dennington said this is 25 years old and only providing a small amount of money that does not cover much.

Commissioner Tim Reed said he was looking at Fund 341 in the Fiscal Year '25 budget and said it had \$500,000 put in and there was a carryover of \$259,000. Said he did not see the 1.7 million in the finance report.

Finance Manager Jennifer Kerr said there was a carry forward that was approved by the Commission to have money go from the ARPA fund into 341 fund.

Town Attorney Ryan Knight spoke about how if they wanted to increase the amount from \$36, the best way to increase the amount is to increase impervious area. Said he believes there is a provision that allows them to change the price without a referendum but would want to review the Charter to verify.

Mayor Alison Dennington said she would like to have the Town Manager contact other similar size cities to get ideas of what they are doing.

Commissioner Tim Reed spoke about wanting to do a more formal, comprehensive study.

Mayor Alison Dennington spoke about the differences between single family, multi family, commercial etc and what each would be paying in regards to this issue.

Commissioner Tim Reed made a motion that we approve Resolution 2025-08 as is with the caveat that we take on the commitment to move forward with looking at how to do a rate study and the idea of moving the excess money to the 341 fund if possible; Commissioner Anna Butler seconded; Motion carried 4-1 with Mayor Alison Dennington dissenting.

Town Manager Elizabeth Mascaro said EAB brought the recommendation up to increase pervious to 40% which might be something to consider after this year.

- B. Resolution 2025-09 Standards to safeguard against cybersecurity threats – Finance Manager Jennifer Kerr - 2:13:10

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, TO ADOPT STANDARDS TO SAFEGUARD AGAINST CYBERSECURITY THREATS; ADOPTING THE METHODS AND STANDARDS SET FORTH IN THE MOST RECENT VERSION OF THE FRAMEWORK FOR CYBERSECURITY ADOPTED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

Finance Manager Jennifer Kerr spoke about how the state would like the municipalities to adopt resolutions to recognize cybersecurity and set up standards for it.

Commissioner Robert Baldwin tasked staff with making a timeline and plan.

Finance Manager Jennifer Kerr said they do have cybersecurity insurance and she is speaking with computer experts. It is being worked on but this needs to be passed and then they can move forward.

Town Manager Elizabeth Mascaro said they have upgraded their detection software, computer experts will send fraud emails to see if anyone will open them.

Mayor Alison Dennington tasked staff with finding out if “.gov” is now a requirement for the Town website URL.

Commissioner Tim Reed put out timeline date etc

Commissioner Robert Baldwin made a motion that we pass Resolution 2025-09 Standards to safeguard against cybersecurity threats and that we add it to the task list for Town Staff to come back at the next Regular Town Commission Meeting with an implementation plan for section 3 items A-E to include dates;

Finance Manager Jennifer Kerr clarified that the Commission is giving the Town Manager the authority to implement this and that the Town Manager would be the one to bring back information to the Commission.

Commissioner Anna Butler seconded;

Bruce Larson – 1507 Pine St - Recommended having the Tech Advisory Board support the Town Staff with this issue.

Motion carried 5-0.

Mayor Alison Dennington called for a recess at 8:20 pm to 8:27 pm

Deputy Clerk Cyd Cardwell conducted roll call

Commission Members Present

Mayor Alison Dennington
Vice Mayor Dawn Barlow
Commissioner Robert Baldwin
Commissioner Anna Butler
Commissioner Tim Reed

Staff Members Present

Town Manager Elizabeth Mascaro
Town Attorney Ryan Knight
Chief of Police Tim Zander
Finance Manager Jennifer Kerr
Public Works Director Tom Davis
Deputy Clerk Cyd Cardwell

- C. Consideration on reviewing and terminating the Town Manager's contract and going out for RFQ to fill the position – Mayor Alison Dennington - 2:29:02

Mayor Alison Dennington said many residents have complained over the years, many employees have left and filed grievances. In the grievances they mention intentional denial and hiding of public records. Said there are many problems but the biggest issue is BSE and not having a contract. Said one of the essential functions for the Town Manager is to monitor franchise agreements and contracts and she believes there has been active concealment.

Mayor Alison Dennington made a motion to terminate the Town Manager for cause immediately;

Mayor Alison Dennington asked the Town Manager if she had applied for other manager positions.

Town Manager Elizabeth Mascaro said she did not see why that was relevant and has never done anything outside of the public view. Said her comments are not factual.

Commissioner Tim Reed said he understands the points the Mayor is making. Said he would be less inclined to pursue this course of action in light of the fact that the agreement contract is up for renewal later this year, so that is an opportunity to do an objective hiring process.

Commissioner Anna Butler said you do not handle an employee that you believe is having poor job performance by publicly degrading them. You would have a performance review with that person and work with them. That has not been done. Also mentioned that what the Mayor is saying is not truthful. The Town Manager inherited the BSE issue and nothing illegal has happened.

Vice Mayor Dawn Barlow said she does not believe firing the Town Manager is the right thing to do for Melbourne Beach. Said no laws have been broken. Said they have a contractual obligation to the Town Manager and terminating her could result in costly lawsuits. Listed some of the Town Manager's strength and then some room for improvement, specifically communication and responsiveness. Supporting the Town Manager is not about loyalty or politics, it is about making a reasoned and informed decision.

Commissioner Robert Baldwin spoke about how Mayor Alison Dennington was censured. At that time, she received some of the same feedback being discussed tonight, to which the Mayor said she would try to embody some of the suggestions for improvement.

Mayor Alison Dennington said point of order for attacking another Commissioner.

Commissioner Robert Baldwin said maybe we need another censure.

Mayor Alison Dennington said she has been here longer than the other Commissioner and spent the first 6 months sitting down with the Town Manager, which did not work. Said one of the Commissioners' main jobs is oversight. At some point, most Town Manager's would have realized there was no contract, and contracts are a main part of the job.

Motion failed for lack of second.

Mayor Alison Dennington made a motion that we give Town Manager Elizabeth Mascaro a 30-day warning letter and put out a bid for the Town Manager contract; Motion failed for lack of second.

Mayor Alison Dennington asked the Town Manager a second time if she had applied for other manager positions to which she did not answer.

Town Attorney Ryan Knight said if you put something in writing, it cannot just be for any reason. It must be specific about what the Town Manager should correct. If that is not corrected or if there is another deficiency of that same provision then in 3 days, that could be for cause.

Town Manager Elizabeth Mascaro said the motion is anything that is one of the essential functions of the Town Manager's job or anything she was tasked to do and failed to do.

Mayor Alison Dennington made a motion to put out a bid for the Town Manager contract immediately; Commissioner Tim Reed seconded;

Vice Mayor Dawn Barlow asked the Town Attorney about the contract with the Town Manager and the 60 day notification with a desire to renew or not renew.

Town Attorney Ryan Knight said it would be up to the Commission, if they opened it up for bid people could apply, including the current Town Manager so there is no time limit that says it has to be 60 days or now. It is 60 days from the date that the agreement expires which is September 19th 2025.

Tina Coppock – 505 Avenue B - Spoke about Mayor Alison Dennington's personal vendetta against the Town Manager. Mentioned the Mayor did not like the Town Manager's support of Town Staff members, including the Building Official in the shed case. Asked when she would apologize to the Town Attorney and Commissioner Anna Butler for her letter to DOGE.

Kari Ross – 206 Flamingo Ln - Spoke about how this was not a surprise to anyone, including the Town Manager, so for her to apply to other positions is something that should not sway any votes. - 2:52:30

Reynaldo DeValle – 215 Ash Ave - Spoke about how the Mayor is not responsible for a toxic atmosphere, there have been issues with foul language years prior. Said there have been many complaints about the Town Manager from residents and employees, and mentioned a video of the Town Manager criticising employees. Important to talk about this with the contract coming up, it's a generous salary and could find a very good fit for the role.

Jason Judge – 206 Flamingo Ln - Said as far as Town Managers in this County, Town Manager Elizabeth Mascaro is overworked and underpaid. Said the Mayor has walked in since day 1 and hammered the Town Manager, did not make an effort to work with her. He asked how she and her kids would walk around Town and was interrupted by the Mayor.

Mayor Alison Dennington said she felt she was being threatened.

Town Attorney Ryan Knight said he should be able to finish his comment, he did not see it as a threat or fighting words.

Jason Judge continued his statement, saying he does not want anything bad to happen to her or her kids, but if she is doing wrong things and was interrupted by the Mayor again. Mayor Alison Dennington said he was threatening her.

Town Attorney Ryan Knight again said he did not interpret what Jason Judge said as a threat.

Jason Judge said it is a scarlet letter she will wear around this Town. Said she has to think about the way people in this Town view her. He said he thought she would do good for the Town and has been disappointed. Spoke about her lawsuits against the Town.

Susan Martin – 2202 Rosewood Dr - Said she is the citizen who requested the position requirements and the Town Manager's resume because there has been so much controversy that she wanted to see it for herself. Mentioned on April 20th 2022, the Town Manager made a video where she bullied former employees. Disparaging employees is not the right thing to do. Of the 26 employees in Town, only 10 have been employed more than 3 years. Said poor

retention is an indication of poor management. Requested the Town advertise for the position of Town Manager and find a qualified replacement at the end of her contract in August.

Jan Futch Guilbeau – 806 Oak St - Spoke about how her first impression of the Town Manager was from the video other residents have referred to where she made fun of employees. Said she came to the Town Manager with various issues and was lied to. Said the Town Manager is not qualified for the position.

Gail Gowdy – 215 Ash Ave - Said she has lost confidence in the Town Manager. Asked how long it takes to get public records requests and short term rental ordinances. Asked why we lost so many employees and why we don't have engineering firm contracts. Said the Town Manager is dishonest, conniving, and mean and she withholds public information. Requested they open the search for a new Town Manager.

Deputy Clerk Cyd Cardwell read a public comment provided by **Martha Evers – 413 Third Ave** - Requested they put out a bid for a new Town Manager rather than renew the current Town Manager's contract. Said she failed a basic part of her job with the BSE contract. Said the current Town Manager is underqualified for the position as she does not have a 4 year degree.

Deputy Clerk Cyd Cardwell read a public comment provided by **John Williamson – 413 Third Ave** - Requested they put out a bid for a new Town Manager for this August rather than renewing her contract for this position.

Vice Mayor Dawn Barlow asked if the RFQ process would be a 30 day window.

Town Attorney Ryan Knight said for a Town Manager it is usually longer but would be up to the Commission. Also would need to consider doing it internally or use an external firm to solicit Town Managers. These things could be decided at a Special Meeting.

Mayor Alison Dennington said they could talk about it at the workshop but the idea is that it would be posted as an open position tomorrow.

Motion failed 3-2 with Commissioner Anna Butler, Vice Mayor Dawn Barlow, and Commissioner Robert Baldwin dissenting.

Commissioner Robert Baldwin clarified his nay is because he thinks things need to be hashed out at a special topic meeting, wanted everything regarding the Town Manager to go to a Special Meeting.

Vice Mayor Dawn Barlow said she also felt it is important to have an overall discussion about the process and is in support of having a Special Meeting around that.

Roll Call Vote by Deputy Clerk

Mayor Alison Dennington - Aye
 Vice Mayor Dawn Barlow - Nay
 Commissioner Robert Baldwin - Nay
 Commissioner Anna Butler - Nay
 Commissioner Tim Reed - Aye

- D. Consideration to initiate an open hiring process for the Town Manager position – Commissioner Tim Reed – 3:19:32

Commissioner Tim Reed proposed initiating an open hiring process by publicly posting and advertising the Town Manager position to attract a wide pool of applicants including the incumbent. Would like to do this by the end of June. Soliciting of new applicants even when a position is staffed when approaching renewal is considered a prudent and objective means of ensuring the best interests of the Town are served. Listed some reasons getting a wide pool of applicants is beneficial including ensuring the best fit and offering perspective on current talent trends, compensation, expectations and emerging skills.

Commissioner Tim Reed made a motion that we initiate an open hiring process by publicly posting and advertising the Town Manager position to attract a wide pool of applicants including the incumbent, with a target of trying to get that up and going by the end of June; Mayor Alison Dennington seconded;

***Tina Coppock – 505 Avenue B** - Spoke about being a qualified candidate for this position. Said maybe she will apply for the job.*

***Bruce Larson – 1507 Pine St** - Spoke about how Town Manager Elizabeth Mascaro is in the Fellsmere Town Manager search, she is managing her risk and he believes the Town should do the same and at least cast a net out to understand the candidate pool.*

***Bryan Troy – 509 Hibiscus Trl** - Spoke about something Commissioner Tim Reed said, that new leadership can improve team dynamics. Said he agrees completely and that is why he believes Mayor Dennington should step down.*

***Jan Futch Guilbeau – 806 Oak St** - Spoke about being pleased that they want to put it out to bid. It is the way it should have been done.*

Deputy Clerk Cyd Cardwell read a public comment provided by **Connie Cassel – 215 Cherry Dr** - Said please post the Town Manager position for qualified candidates to replace the current Town Manager.

The Commission discussed the importance of having a Special Meeting around this topic.

Commissioner Robert Baldwin asked the Town Manager if she had any idea if she wanted to renew the contract or not.

Town Manager Elizabeth Mascaro said the comments made about her regularly are false. The video was meant to be private and for the prior Mayor. Said she feels inspired by the process and the audience, so she does not have any intention of leaving if she does not have to.

Motion failed 3-2 with Commissioner Anna Butler, Vice Mayor Dawn Barlow, and Commissioner Robert Baldwin dissenting.

Roll Call Vote by Deputy Clerk

Mayor Alison Dennington - Aye
 Vice Mayor Dawn Barlow - Nay
 Commissioner Robert Baldwin - Nay
 Commissioner Anna Butler - Nay
 Commissioner Tim Reed - Aye

Commissioner Tim Reed made a motion to have a Special Meeting before the end of June to review the qualification and idea for how we would go about going for a search; Commissioner Robert Baldwin seconded; Motion carried 5-0.

- E. Consideration on setting a date for a performance evaluation of the Town Manager – Mayor Alison Dennington – 3:33:45

Mayor Alison Dennington said it is a requirement to do a yearly performance review and that has never been done. It is supposed to be done publicly. The goal is to schedule a meeting, and each Commissioner comes to it with their performance evaluation.

Commissioner Robert Baldwin said scoring mechanisms are not reliable unless you can back it up with information because one person's 5 is another person's 3.

Commissioner Anna Butler agreed and said it is also common practice to have the employee score themselves which can lead to a better discussion.

Town Manager Elizabeth Mascaro was tasked with performing a self-evaluation.

Mayor Alison Dennington spoke about the scoring number possibly having a monetary value associated.

HR Manager was tasked with providing policies and procedures germane to the performance evaluation.

A Special Meeting was scheduled for June 2, 2025 at 4:00 pm for a performance evaluation of the Town Manager.

A Special Meeting was scheduled for June 2, 2025 at 4:45 pm for a discussion of the Town Manager position.

Town Attorney Ryan Knight received clarification on what he should prepare for the meeting.

Town Manager Elizabeth Mascaro said historically they have used outside agencies to conduct a search for hiring.

- F. Consideration to request a detailed report every two weeks on short-term rentals – Commissioner Anna Butler - 3:49:05

Commissioner Anna Butler said she did this as a way to solidify what residents are asking for and an easy way to look at a report for the STRs. Would like to have a spreadsheet created to list properties individually which would make it more user friendly.

Vice Mayor Dawn Barlow said she had a chance to meet with the Town Manager because she has been disappointed in the reports coming out. Does not want to overcomplicate it, but she did start drawing out an excel spreadsheet that has the addresses of the properties. Some things that should be listed are property, advertisement link, certificate, max number of cars, max number of occupants, opportunity to be grandfathered, noise ordinance reports, etc. Also suggested attaching dates to these things.

Mayor Alison Dennington spoke about minutes from a previous meeting that said a 4-0 vote to have the Town Manager send one email per week on the status of all 4 points of the Deckard software and they have not received any emails. Another 4-0 vote to get a weekly update on the STR numbers, and have not gotten that weekly either.

Commissioner Tim Reed said it is his belief that the Deckard software has reporting capabilities and they do not appear to be being utilized. Not sure they will get this information without a culture change for those responsible for administering this. Said this is something the Technology Advisory Board could help with.

Town Manager Elizabeth Mascaro said the Code Enforcement Officer was struggling and left so there is no Code Enforcement Officer right now. Said their software program has parts that do not speak to each other, so when there are enforcement issues, it shows up in one place but has to be added to another. Spoke about the Deckard software and the progress being made with uploading current registered vacation rentals. The things the Commission is asking for are not capable within the software so they are going to put the vacation rentals in an excel spreadsheet and not put them in the BS&A software.

Mayor Alison Dennington suggested using the BS&A software for the things it can do and in addition to that, create an excel spreadsheet.

Town Manager Elizabeth Mascaro spoke about the Code Enforcement Officer leaving due to stress and there is someone new starting June 2nd.

Vice Mayor Dawn Barlow said the way it is currently being handled is not creating a sense of confidence that the Commission is doing what they said they were going to do to foster a reputation in the Town that says, while they may not control that STRs are here, they want the STRs to be respectful of the Town.

Town Manager Elizabeth Mascaro said the Office Clerk is sending out the new ordinance with a cover sheet to explain the changes to all of the STRs. Said she would follow up with the Office Clerk to send the Commission an email with the date those are going out.

Mayor Alison Dennington spoke about how it was already voted on that they would receive weekly updates and said there is always an excuse. Suggested a Deckard software workshop. Asked the Town Manager if they would ever get those weekly emails or if she just forgot.

Town Manager Elizabeth Mascaro said she did not forget, she was trying to figure out what they had so the reports could be accurate.

Commissioner Tim Reed made a motion that we involve the Technology Advisory Board to assist in resolving whatever conflict or problems we are having in getting the reporting in a timely and meaningful fashion; Commissioner Robert Baldwin seconded;

Commissioner Robert Baldwin said it is common to do a weekly update report and that they need to get updates regardless of if the Town has new information or not. A lack of communication leaves space for people to incorrectly fill in the blanks themselves. Confirmed they would receive an email Friday.

***Tina Coppock – 505 Avenue B** - Asked the Commission to consider that they continue to add duties to the jobs of the Town employees. Does not disagree with the Commission wanting reports, but what are you going to drop from their plate if you continue to add? Also spoke about the length of the meetings and that the Mayor is running the meetings and talks incessantly. It's up to the other Commissioners to cut her off with point of order.*

Commissioner Tim Reed said code enforcement and tracking is not a new duty.

Motion carried 5-0.

- G. Consideration on creating a policy and procedure for short-term rental case handling – Mayor Alison Dennington - 4:18:25

Mayor Alison Dennington said every month we are at the same spot and thinks there needs to be a policy that is written and explicit with consequences and assignments of responsibility. Asked the Town Attorney for recommendations

Town Attorney Ryan Knight said normally STR decisions are something the Code Enforcement Officer would have authority to do. Asked if the Mayor was looking for timelines, such as when something happens, they will get a notice of violation, 10 days after, the notice of hearing goes out, etc.

Mayor Alison Dennington said she wanted it clear that if the Town Manager was required to sign off, she was responsible for closing it.

Commissioner Robert Baldwin said it seems like they need a flow chart first, they need a procedure drawn out which should come from Town Staff, then they can see the action steps.

Town Attorney Ryan Knight recommended that he should make a PowerPoint for the new Code Enforcement Officer with the procedures, regulations, provisions and what an ideal tracking sheet would look like.

Mayor Alison Dennington spoke about how the Town Manager should be involved as well and be responsible for explaining the reason, if they were not able to meet the guidelines.

Commissioner Tim Reed said he wrote a flow chart to see how that would be and he thinks that is a great analogy for attacking this. This requires more effort outside of tonight.

Commissioner Robert Baldwin made a motion to table Item G.

Mayor Alison Dennington withdrew the item.

Commissioner Robert Baldwin withdrew his motion.

H. 2017 CCNA selection process and history – Town Attorney Ryan Knight – 4:27:30

Town Attorney Ryan Knight said he received a lot of questions about the process so he could provide an overview of why there was no contract and the timeline for that.

Mayor Alison Dennington mentioned a spreadsheet that provides the payments which was around \$350,000.

Commissioner Robert Baldwin asked, even though there was no formal contract, would the terms in the RFQ have survived and been enforceable in the spirit of a contract.

Town Attorney Ryan Knight said nothing was signed, but there were provisions in the paperwork and both parties seemed to be on the same page as far as what their obligations were.

Mayor Alison Dennington spoke about different types of contracts, said there was no oral or written contract here. Also mentioned a procurement code that requires written contracts.

I. Discussion on the reconsideration of the G&G Roofing contracts – Town Attorney Ryan Knight - 4:34:20

Town Attorney Ryan Knight said there have been some issues with G&G Roofing. There were 2 proposals and 3 were required. Said the Commission can make a motion to withdraw the roofing proposal with G&G and send it out for an RFP.

Commissioner Tim Reed made a motion to rescind the G&G Roofing contract and proceed to put the roof for the Town History Center out for RFP in accordance with the Town's ordinances; Commissioner Anna Butler seconded; Motion carried 5-0.

Commissioner Tim Reed made a motion that we rescind the bid from G&G for the Town Hall roofing and approach EDC Haley Ward for initial consultation on making the corrections for the building, the roof, cupola, and the mold problems, up to \$4,000; Commissioner Robert Baldwin seconded; Motion carried 4-1 with Vice Mayor Dawn Barlow dissenting.

Vice Mayor Dawn Barlow said nay because she does not like the \$4,000 figure.

J. Consideration on creating a resolution requiring prompt and clear communication to the Commission when there is a gap in services to the residents – Commissioner Anna Butler – 4:43:25

Commissioner Anna Butler said this came to be with the Building Official leaving and this is about how to respond in a responsible way to the residents so there is a consistent message coming from the Commission and Town Staff.

Mayor Alison Dennington clarified that she would like to have a process when something like this happens, that there would be a consistent message that would be given by the Town itself, not that it would be something the Commission is obligated to say. Spoke about how she appreciates this because the Building Clerk has been telling people things different than what is really happening and it would be good for everyone to be on the same page.

Commissioner Tim Reed asked what the communication channel is that Commissioner Anna Butler had in mind for the public.

Commissioner Anna Butler said a lot of times residents reach out to the Commission with questions, she wants to have answers for those people and does not necessarily want to post anything to the website to reach everyone.

Commissioner Robert Baldwin said this is situationally dependent and would be very hard to make a blanket policy about.

Mayor Alison Dennington suggested whenever a department head leaves, within 3 days the Town Manager creates a basic statement to send to the Commission and Town Staff and update it as information comes.

Town Manager Elizabeth Mascaro said she was not aware of the information that was being said until she got the emails from the Mayor. Said she was able to tell people what to say or that she could be the one to talk to the residents, so that situation has improved.

Commissioner Robert Baldwin made a motion to task the Town Manager with delivering a corrective action report to the Commission within 10 days; Commissioner Anna Butler seconded; Motion carried 5-0.

- K. Consideration on having the Town Boards do a monthly lecture and learning series – Mayor Alison Dennington - 4:57:45

Mayor Alison Dennington withdrew the item.

- L. Consideration on creating a policy requiring a comprehensive position cost reporting as part of the budget process – Mayor Alison Dennington – 4:58:22

Mayor Alison Dennington said municipal budgets are for people to understand them. Wants something for this year and every year going forward that will lay out the positions' cost to the Town, so basic compensation, FICA taxes, benefits, and other costs to the Towns such as uniforms.

Commissioner Robert Baldwin said if that was already in the works for this budget cycle, could we postpone making a policy.

Town Manager Elizabeth Mascaro said the budget has always been broken out between payroll and expenses for each department. Considers software, licensing, etc as the cost of doing business.

Mayor Alison Dennington said she wants the section for other costs to the Town to be more comprehensive.

Commissioner Robert Baldwin said sometimes you get to a point of analysis paralysis and you have to get to what is actually adding insight. Salary and benefits are good but being mindful of the third bucket that you can get too in the weeds.

Vice Mayor Dawn Barlow spoke about how there are categories that list expenses but they would like it broken down per position within those categories.

Commissioner Robert Baldwin made a motion that for the upcoming budget cycle we are already in, that we have a breakdown of the costs associated with each individual employee in their department to consist of salary as one number and benefits as another number, pension, taxes, health insurance, workers comp, FICA, SUTA; Vice Mayor Dawn Barlow seconded; Motion carried 5-0

- M. Consideration on creating a policy for periodic review and revision of employee manuals, policies, and procedures – Mayor Alison Dennington – 5:08:40

Mayor Alison Dennington tabled the item to the next budget workshop.

- N. Consideration on revising or creating minimum procedures and forms for the Town Commission to follow during the election qualification review – Mayor Alison Dennington – 5:09:25

Mayor Alison Dennington gave some examples where it would have been helpful to have procedures to prove if candidates were qualified. Wanted to see if it would need to be a resolution or ordinance. Spoke about what would happen if residents wanted to challenge the qualifications of a candidate.

Town Attorney Ryan Knight gave his opinions on why it might be difficult to provide procedures for every situation. They already have the power to be the judge of the qualifications. Most forms submitted are already required to be under oath.

Mayor Alison Dennington withdrew the item.

- O. Consideration on creating a policy for deemed resignation for Town Commissioners – Mayor Alison Dennington

Mayor Alison Dennington withdrew the item.

- P. Approval of the Town Commission Workshop minutes April 30, 2025 - 5:18:58

Vice Mayor Dawn Barlow made a motion to table the Town Commission Workshop minutes from April 30, 2025 to the next Regular Town Commission Meeting; Commissioner Robert Baldwin seconded; Motion carried 5-0.

Q. Approval of the site plan for 394 Riverview Lane – new single-family home - 5:19:26

Mayor Alison Dennington spoke about pages of the document that had missing information that was said to be not applicable when it does apply.

Town Attorney Ryan Knight explained why these blanks do not apply.

Commissioner Tim Reed spoke about a part that says N/A for variances, but there is a variance that is a part of the package that is not identified.

Town Manager Elizabeth Mascaro explained variances move with the land, not the owner.

Commissioner Anna Butler made a motion that we approve the site plan for 394 Riverview Lane; Vice Mayor Dawn Barlow seconded; Motion carried 5-0.

Commissioner Robert Baldwin left at 11:27 pm.

12. Finance/Budget Report – 5:27:40

Mayor Alison Dennington suggested doing Public Works first so Public Works Director Tom Davis could leave.

Commissioner Tim Reed said he had an issue with the part that says, line items going over their budgeted amounts do not affect the bottom line, the Town is still within the approved budget. Says this is a problem because that means they view the budget as one big bucket. - 5:30:34
Town Manager Elizabeth Mascaro said the intent was to say just because the items are going over, the department is still within their budgeted amount, it could be because the health insurance is paid a month in advance or there are certain things that drive the numbers to be higher.

Commissioner Tim Reed said they are over by \$2,000 on overtime, on track to be over by around \$8,000. Does not see any cost management or budget cuts in other ways to make up for it. Also asked about a miscellaneous line item that had around \$3,000 in it and now has over \$10,000 and where that money came from.

Town Manager Elizabeth Mascaro said she would have to look at what specifically makes up that number, it could be several different items. Said she does not have that information now but could get it to the Commission tomorrow.

Mayor Alison Dennington said she would like to see bank fees and cell phone fees come down for the next budget.

Town Manager Elizabeth Mascaro said there are very few cell phones but the usage you see is in the police cars. And said they restructured with Truist bank so it has much improved.

Vice Mayor Dawn Barlow made a motion that we approve the finance report as presented; Commissioner Anna Butler seconded; Motion failed 2-2 with Mayor Alison Dennington and Commissioner Tim Reed dissenting.

13. Town Staff/Board Reports

- A. Building Department
- B. Public Works Department – 5:27:50

Mayor Alison Dennington said he was going to get back to her with the sheets of the different maintenance things that he does.

Public Works Director Tom Davis said he would email them to her.

The Commission commended the Public Works Director on how the porch turned out and that the Public Works Staff is great.

Tom Davis left at 11:29 pm after the PW report was reviewed.

- C. Code Enforcement
- D. Fire Department
- E. Police Department
- F. Town Clerk
- G. Town Attorney
- H. Town Manager - 5:40:20

Commissioner Tim Reed asked, for Riverside Drive at Avenue A, what was the cost.

Town Manager Elizabeth Mascaro just under \$20,000 and they got the pictures. Said the payment would have come out of Fund 341. Said she could email that information tomorrow.

Commissioner Tim Reed said when they created the other Deputy Clerk position, there was going to be a replacement desk person, is that a role that is still being filled?

Town Manager Elizabeth Mascaro said that role was filled. It had been filled once and that person left so it has been filled a second time.

Mayor Alison Dennington requested an email anytime a new person is hired with their name and position.

Town Manager Elizabeth Mascaro also said there is a new Building Official who will start on Tuesday and a new Code Enforcement Officer who will start on June 2nd.

Mayor Alison Dennington said she also wanted to speak about the companies they reached out to including SafeBuilt. Spoke about adding this to the next Regular Town Commission Meeting and the Town Manager said she would get them the information in the meantime.

Commissioner Tim Reed spoke about the outcome of the Special Magistrate meeting, said that the Town did not provide proof of violation, but said they proved they were advertising online as an STR.

Town Attorney Ryan Knight said the ruling was you can consider advertising as evidence, but that cannot be the only piece of evidence that you have. Bottom line, there is nothing that would prevent us from bringing it back, but he would like to have a witness statement or be able to call a witness who has rented the STR. The finding of fact usually takes a week or two and it is sent out afterwards but they have not received anything yet.

Town Manager Elizabeth Mascaro said there was a car illegally parked that started to accrue \$250 a day today. Also spoke about the Code Enforcement Officer having a body cam so they will have footage of interactions and could use that as proof.

Mayor Alison Dennington wanted to confirm if there was an ordinance that had to do with grandfathering, if you claim a grandfather status, there's something that says you have to file a form notifying the Town that you are claiming that status within a period of time.

Town Manager Elizabeth Mascaro said the grandfathering was only good for 1 year and they were doing the STR before the ordinance date changed so they continued to do STR even though the zoning changed. They are zoned to where the rental has to be a month or more.

Commissioner Tim Reed said they showed up with an application that never got recorded, the Town seemed to have fumbled the handling of that.

14. Commission Reports

- A. Vice Mayor Dawn Barlow
- B. Mayor Alison Dennington

15. Task List

16. Adjournment

Vice Mayor Dawn Barlow made a motion to adjourn; Commissioner Anna Butler seconded; Motion carried 3-1 with Commissioner Tim Reed dissenting.

Meeting adjourned at 11:58 PM.

ATTEST:

Alison Dennington
Mayor

Rachel Pembroke
Transcriptionist

Town of Melbourne Beach

SPECIAL TOWN COMMISSION MEETING

June 2, 2025 at 4:00 p.m.

COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington
 Vice Mayor Dawn Barlow
 Commissioner Robert Baldwin
 Commissioner Anna Butler
 Commissioner Tim Reed

Staff Members:

Town Manager Elizabeth Mascaro
 Town Attorney Ryan Knight
 Town Clerk Amber Brown

1. Call to Order

Mayor Alison Dennington called the meeting to order at 4:00 p.m.

2. Roll Call

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington
 Vice Mayor Dawn Barlow
 Commissioner Robert Baldwin
 Commissioner Anna Butler
 Commissioner Tim Reed

Staff Members Present

Town Manager Elizabeth Mascaro
 Town Attorney Ryan Knight
 Finance Manager Jennifer Kerr
 Town Clerk Amber Brown

3. Pledge of Allegiance and Moment of Silence

Town Attorney Ryan Knight mentioned the Commission having a copy of the RFQ and how they will need to rank each of the companies 1-4.

Mayor Alison Dennington called for a recess so they could get a copy of the RFQ.

Recess at 4:03pm-4:05pm

Town Clerk Amber Brown conducted roll call

Commission Members Present

Mayor Alison Dennington
 Vice Mayor Dawn Barlow
 Commissioner Robert Baldwin
 Commissioner Anna Butler
 Commissioner Tim Reed

Staff Members Present

Town Manager Elizabeth Mascaro
 Town Attorney Ryan Knight
 Finance Manager Jennifer Kerr
 Town Clerk Amber Brown

4. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

Kate and Dan Wilborn – 502 Second Ave – Spoke about a public comment about stormwater she sent to the Commissioners that included a response from the Town Manager. Does not understand why her area is not a priority because the design is for their area to flood. - 6:10

5. New Business**A. Consideration of proposals from the RFQ for Building Official services**

Commissioner Tim Reed spoke about getting the Building Officials' input about this topic. - 10:22

Finance Manager Jennifer Kerr said the Building Official was already scheduled to be at a conference.

Commissioner Robert Baldwin spoke about tabling this item to get the Building Officials' input.

Mayor Alison Dennington spoke about the importance of talking about this topic even in his absence.

Town Manager Elizabeth Mascaro spoke about how the Building Official would be responsible for managing the site plans, but if things exploded and he needed additional help for inspections, a company could be used.

Commission Tim Reed asked who would decide when to use a company.

Town Manager Elizabeth Mascaro spoke about if the Building Official needed extra help, he would have to communicate with the Town Manager. Another situation to use one of the companies is when the Building Official takes a vacation. Said fees were part of the RFP requirements, and only 2 companies included them.

Commissioner Anna Butler spoke about the company would be a backup when the Building Official takes a vacation or if the position becomes vacant. - 18:40

Commissioner Tim Reed asked who would be the interface from the Town.

Town Manager Elizabeth Mascaro spoke about how she would be the contact person. The Town could ask for a Building Official, inspector, or plans examiner in the absence of our Building Official. Depending on what the Town needs, they would supply that.

Commissioner Tim Reed verified that when the RFQ went out, the Town was looking for a Building Official, but now the Town has decided to hire an employee and use a company as a backup.

Town Manager Elizabeth Mascaro said in their proposals, most of them addressed if the Town needed them periodically.

Commissioner Robert Baldwin spoke about contacting the companies to see if they were still interested, knowing that the Town is only looking for a backup.

Mayor Alison Dennington confirmed the Town was not paying for the conference the Building Official was at and asked for the company name he used to work for. Spoke about wanting a policy on when the company would be used, and asked the Town Attorney if there are any issues with the RFQ going out for full building services, but now it is for a backup.

Town Attorney Ryan Knight spoke about there being no issue, but the Town should contact the companies through email to inform them that this will be on an as-needed basis.

Town Manager Elizabeth Mascaro spoke about the RFQ responses and the companies. Starting with JPI, they have a substantial field of workers. They are based out of Orlando and could provide all the services the Town is asking for. - 25:45

Commissioner Tim Reed asked when the clock starts for their hourly fees.

Town Manager Elizabeth Mascaro spoke about how it depends on the company. Some charge when they get in their vehicle, but some charge when they arrive.

Mayor Alison Dennington said if the Town already has an employee with benefits, adding a company could get expensive.

Commissioner Robert Baldwin spoke about how the previous Building Official was keeping up with the workload, so it would not be common that they would need to use a company. There would have to be a significant uptick in volume to need extra help.

Mayor Alison Dennington said between salary and benefits, paying a Building Official is expensive and wondered if just using a company might be cheaper.

Town Manager Elizabeth Mascaro said in the past, it was not economical, the company would come 3 days a week, and it was not less expensive than having a Building Official. There was a minimum of a 4-hour fee. There were also issues of building without permits at that time because of the limited amount of time they were in the Town.

Commissioner Anna Butler spoke about the care Robert Bitgood took to understand each situation as he drove onto a property; a third-party company is likely not going to provide that level of care.

Commissioner Tim Reed spoke about how the big three buckets are issuing permits, inspections, and plan review, and asked if the Building Officials can do all 3.

Town Manager Elizabeth Mascaro said in most places, no, most municipalities have individuals to do plan review, and permitting is separate. Because Melbourne Beach is small, the Building Official could do it all. Only the Building Official can issue a permit.

Mayor Alison Dennington said most small Towns do not have Building Officials, they just contract with the companies.

Commissioner Tim Reed spoke about checking the company's interest and fees after they know this would only be for backup situations. - 38:45

Vice Mayor Dawn Barlow asked if the Town Manager is familiar with any of the companies, and since the Town needs to provide an addendum, it could go to all 4 companies and ask the 2 that didn't provide a fee schedule if they would.

Town Manager Elizabeth Mascaro said she was familiar with Causley/Safebuilt.

Town Attorney Ryan Knight spoke about adding an addendum #2 to amend the Town's needs. They would be required to sign for it, so if they want to withdraw, they could. Typically, this would have a 20-day extension.

Mayor Alison Dennington asked why it couldn't be modified to have on-call contracts, then the Town could have multiple companies.

Town Attorney Ryan Knight spoke about how originally, that was not the plan when the RFQ went out.

Mayor Alison Dennington asked if this could be treated as a CCNA and enter into multiple contracts.

Town Attorney Ryan Knight spoke about how, in order to do a CCNA, then the entire process would have to be redone because under CCNA, you cannot use price as a determinant, but this RFQ said price was part of it.

Mayor Alison Dennington said the addendum on May 6th took out the CCNA option. Who did that and why? - 45:50

Town Attorney Ryan Knight said he drafted the addendum. Said he told the Town Manager there were discrepancies with the RFQ. Spoke about how this should not have been advertised as a CCNA because the price was part of the RFQ, so he drafted the addendum. You would not have a Town Building Official working under a CCNA agreement.

Mayor Alison Dennington said in the first 18 days, it was a CCNA and still included the price.

Town Attorney Ryan Knight said it was, but it should not have been because price cannot be part of a CCNA.

Vice Mayor Dawn Barlow spoke about how the options are to do a 20-day extension to address the changes, or cancel it and start a new process for a CCNA with a 30-day response time.

Commissioner Tim Reed asked if this would be for a yearly basis.

Town Attorney Ryan Knight spoke about it being a contract for a year with an option to renew for another year.

Commissioner Robert Baldwin confirmed that the Town Manager did not have a preference.

Vice Mayor Dawn Barlow made a motion that we table this discussion and send out an email to the existing 4, sending out clarifications that this will be as backup to see if any fees need to be adjusted, and asking the 2 that did not submit fees to submit fees; Commissioner Anna Butler seconded;

Marc Lower - 206 Elm Ave – Spoke about the inefficiencies of the Commission and what should have been done. Handed the Commission paperwork. Said to come up with review criteria, work together, and move forward.

Motion carried 4-1 with Mayor Alison Dennington dissenting.

Mayor Alison Dennington made a motion for reconsideration. Motion dies for lack of second.

6. Adjournment

Vice Mayor Dawn Barlow moved to adjourn; Commissioner Robert Baldwin seconded; Motion carried 5-0.

Meeting adjourned at 4:57 pm.

ATTEST:

Alison Dennington
Mayor

Rachel Pembroke
Transcriptionist



TOWN BOARD VOLUNTEER APPLICATION

Town of Melbourne Beach

507 Ocean Avenue

Melbourne Beach, Florida 32951

Phone: (321) 724-5860 Fax: (321) 984-8994

1. Name: Bruce Larson Home Phone: (321) 272-9885
2. Home Address: 1507 Pine Street Melbourne Beach, FL, 32951
3. Mobile Phone: (321) 272-9885 E-mail address: bruce.larson@me.com
4. Business Name: _____ Business Phone: _____
5. Resume or Education & Experience: Served as the Chief Information Security Officer and on the Technology Advisory Board for a Fortune 500 Company
(Use additional sheets if necessary or submit resume)
6. Date of birth: 13 Nov 1967 (to verify voter registration)
(optional)
7. Are you a qualified elector of the town? ☒ YES ☐ NO
8. Are you a resident of the town? ☒ YES ☐ NO
9. Do you reside in the town for at least ten (10) months of each calendar year? ☒ YES ☐ NO
10. Do you hold a public office? ☐ YES ☒ NO
11. Do you currently serve on a Town board? ☒ YES ☐ NO
If yes, which board? Charter Review Committee - Finished Work Product
12. Please check the board(s) you are interested in serving on:

<input type="checkbox"/> Audit Committee	<input type="checkbox"/> History Center Board
<input type="checkbox"/> Board of Adjustment	<input type="checkbox"/> History Preservation and Awareness
<input type="checkbox"/> Civil Service Board	<input type="checkbox"/> Parks Board
<input checked="" type="checkbox"/> Technology Advisory Board	<input type="checkbox"/> Planning and Zoning Board
<input checked="" type="checkbox"/> Code Enforcement Board	
<input type="checkbox"/> Environmental Advisory Board	<input type="checkbox"/> Police Pension Fund Board of Trustees
13. Why do you think you are qualified to serve on this board? Significant experience in the public and private sectors governing the application of technology, mitigating risks and maximizing value from the application of technology solutions. I co-authored the documents regulating cyber-security in critical infrastructure.
14. Would you consider serving on another board other than the one(s) you have selected above?
☒ YES ☐ NO

Note: Persons appointed to certain town boards must file a financial disclosure form with the Brevard County Supervisor of Elections and Florida Commission on Ethics. If you have any questions, please call the Town Clerk's office at 724-5860.

Signature: _____

Date: 19 May 2025 MAY 22 '25 AM 9:03

Bruce Larson

phone | +1 (321) 272-9885
email | bruce.larson@me.com

SUMMARY

Seasoned executive with over 30 years of leadership experience across both corporate and government sectors, recognized for spearheading strategic transformations and consistently driving superior performance. Proven track record in expanding organizations into new markets, with a precise focus on long-term strategic vision, maximizing stakeholder value, and achieving operational excellence. Respected for ethical leadership and delivering measurable results in fast-paced, high-stakes environments.

PROFESSIONAL EXPERIENCE

Regional Sales Director, Middle East and Central Asia

L3Harris Technologies

Dec 2009 – Feb 2023

Led business development, sales and customer satisfaction efforts for strategic clients across the Middle East and Central Asia. Managed a distributed team of more than 200 staff in the U.S. and Middle East, delivering C4ISR programs supporting national security and critical infrastructure protection.

- Responsible for sales of \$1.45B in product and services over 8 years in 6 countries
- Delivered multiple design, build, operate, and transition programs deploying tactical and Enterprise C4ISR solutions fulfilling critical wartime mission requirements and protecting National Critical Infrastructure assets
- Founding President of the American Chamber of Commerce Chapter in Iraq
- Founding Chairman of the Overseas Advisory Council (OSAC) chapter for Baghdad, Iraq. A public-private partnership with between the business community and the State Department
- L3Harris Communications Systems Salesperson of the year in 2013, 2015 and 2018

Vice President, Security Programs

American Water, Voorhees, NJ

Feb 2002 - July 2009

Developed and led global security programs during a critical period of transformation, overseeing physical and information security, business continuity, and crisis management.

- **Global Responsibilities** – Greenfield start for corporate and federated risk management programs protecting the company's employees, customers, mission-critical systems, and reputation serving over 45 million customers in 26 countries

- **Operational Risk Management** – Responsible for designing and implementing vulnerability assessment and business continuity programs to enhance the reliability of service to our customers and the emergency response capability of the organization
- **Regulatory Compliance** - corporate lead for compliance with Homeland Security and financial regulations including SOX, GLBA, HIPPA, FCA, DHS, and EPA regulatory compliance programs

Assistant Vice President, Division Manager

Science Applications International Corporation, McLean, VA

2000 - 2002

Founded a new business Division delivering mission critical solutions to U.S. Government and corporate clients. Immediately after 9/11, the Division directly supported multiple surge initiatives as the Nation quickly pivoted to Homeland Security priorities.

- Won \$20M of new business supporting the U.S. Federal Air Marshals Service
- Program Manager for software development efforts in advanced autonomous software agent technologies for the Defense Advanced Research Programs Agency (DARPA)
- Team Leader for Computer Network Defense and Incident Response Teams supporting intelligence community clients providing complete design-build-operate solutions and a 24/7 secure network operations center

United States Navy

Active-Duty Military

1986 - 2000

- Decorated Special Operations veteran who served as a Navy SEAL during multiple combat and humanitarian actions
- Specialized in unconventional warfare techniques including tactical communications, advanced demolitions, special reconnaissance, intelligence operations, scout sniper operations, and swimmer weapons systems
- Assistant training lead for the Navy SEAL scout sniper program and graduate of the Army Special Operations Target Interdiction Course

SECURITY CLEARANCES

Inactive SECRET (2013 BI)

Inactive TOP SECRET/ISSA Full-Scope Polygraph (2007 SSBI)

Inactive DOE Q (2007 SSBI)

SELECT COMMITTEE MEMBERSHIPS AND INDUSTRY ENGAGEMENTS

- Founding President, American Chamber of Commerce Chapter, Baghdad, Iraq
- Senior adviser to the National Infrastructure Advisory Council (NIAC) member reporting to the Secretary of Homeland Security
- Appointed to DHS Cross-sector Cyber Security Working Group (CSCSWG)
- Board Member, SafeAmerica Foundation
- Founding member of the [Water Sector Coordination Council](#) advising EPA and DHS
- Founding Chairman of the [Overseas Security Advisory Council](#) (OSAC) Baghdad, Iraq. OSAC is a public-private partnership between the Private Sector and the U.S. State Department
- Chairman for the [Risk Assessment Methodology for Critical Asset Protection](#) (RAMCAP) advisory committee advising DHS
- Appointed to the Homeland Security Advanced Research Projects Agency (HSARPA) stakeholder advisory committee for developing sector-wide risk reduction initiatives
- Honored with an [InfoWorld 100 award](#) in 2005 for American Water's deployment of a Network Behavioral Analysis System (Network Anomaly Detection). This platform saved American Water more than one million dollars in event avoidance during the first year it was deployed.
- Chief Security Officer Magazine featured American Water and Mr. Larson on the cover of the March 2006 edition and devoting the cover story "[Value Made Visible](#)"
- Technical contributor to the [National Security Telecommunications Advisory Committee](#) working group on Intrusion Detection Systems and emerging Internet threats

SELECTED PUBLICATIONS

- Co-author of the National Research Council report titled - [Improving the Nation's Water Security: Opportunities for Research](#) (ISBN:0-309-10566-8).
- Principal study group investigator and co-author of the NIAC report – "[Sector Partnership Model Implementation](#)" (Oct 2005)
- Study group member and co-author of the NIAC report – "[Prioritizing Cyber Vulnerabilities](#)" (Oct 2004). This effort focused on macro-economic analysis of cyber-threats to critical infrastructures
- Study group member and co-author of the NIAC report - [Common Vulnerabilities Scoring System \(CVSS\)](#) (Oct 2004). This NIAC proposed an open and universal vulnerability scoring system to rank information system vulnerabilities
- Principal study group member and co-author of the NIAC report – "[Best Practices for Government to Enhance the Security of National Critical Infrastructures](#)" (April 2004)
- Co-author of the Naval Warfare Publication 3-07.2 - Antiterrorism and Force Protection (2001); and the Naval Tactics, Techniques and Procedures 3-07.2A - Maritime Interdiction Operations (2002). These documents served as the pillars of the changing missions for the U.S. Navy and Coast Guard post 9/11.

Town Commission Meeting

Section: Unfinished Business

Meeting Date: June 18, 2025

From: Town Clerk Amber Brown

RE: Approval of the Town Commission Workshop minutes April 30, 2025

Background Information:

At the May Regular Town Commission Meeting, these minutes were tabled to allow the Commission additional time to review them.

Recommendation:

Approve the April 30, 2025 Town Commission Workshop minutes as presented.

Attachments:

April 30, 2025 Town Commission Workshop minutes

Town of Melbourne Beach

TOWN COMMISSION WORKSHOP

April 30, 2025 at 4:00 p.m.

COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Commission Members:

Mayor Alison Dennington
 Vice Mayor Dawn Barlow
 Commissioner Robert Baldwin
 Commissioner Anna Butler
 Commissioner Tim Reed

Staff Members:

Town Manager Elizabeth Mascaro
 Town Clerk Amber Brown

1. Call to Order

Mayor Alison Dennington called the meeting to order at 4:03 p.m.

2. Roll Call

Deputy Clerk Cyd Cardwell conducted roll call.

Commission Members Present

Mayor Alison Dennington
 Vice Mayor Dawn Barlow
 Commissioner Robert Baldwin
 Commissioner Anna Butler
 Commissioner Tim Reed

Staff Members Present

Town Manager Elizabeth Mascaro
 Finance Manager Jennifer Kerr
 Finance Clerk Vicki Van Dyke
 Town Clerk Amber Brown
 Deputy Clerk Cyd Cardwell

3. Pledge of Allegiance and Moment of Silence

Mayor Alison Dennington led the Pledge of Allegiance.

4. Public Comments

After being acknowledged by the Mayor, members of the public should state their name and address for the record. The Commission encourages citizens to prepare their comments in advance. Each individual will have three (3) minutes to address the Commission on any topic(s) related to Town business, not on the Agenda.

5. New Business -

A. Fiscal Year 2024 Financial Audit presented by Zach Chelfore from James Moore. 2:45

Zach Chelfore from James Moore presented an outline of the audit process. Said they follow the standards set by the AICPA and US GAO and confirmed that they used the newly effective September 2024 auditor general rules. He explained the type of audit performed (financial statement audit). He also explained other types of audits, performance, internal control focused, forensic, and compliance audits and when they would be performed.

Mayor Alison Dennington expressed concern that she had not been contacted in advance of the audit presentation by James Moore to ask her if there was anything she thought should be investigated. Said she was contacted last year prior to the audit and was under the impression that was a requirement. The Mayor wanted the auditors to investigate \$350,000 paid to BSE without a contract for engineering services. Clarified that a contract is required so this should have been looked into. - 25:42

Zach Chelfore said they did look back to make sure nothing major was missed. To the vendor, it was about \$15,000 paid in fiscal year '23 and \$40,000 in '24.

Commissioner Robert Baldwin clarified that what he was saying was that the numbers from fiscal year '23 and '24 had not risen to the level of materiality that would have impacted his opinion on the financial statements in general. - 34:32

Mayor Alison Dennington reiterated the fact that this issue was not considered. Asked how they would know if the Town did not bid something.

Zach Chelfore said when looking at major expenditures, they look at the minutes, they will request the procurement over a project.

Town Manager Elizabeth Mascaro said that they send the firm every resolution, ordinance and contract.

Vice Mayor Dawn Barlow suggested that they move on from this topic and if the Mayor still has questions about it at the end to ask them then.

Zach Chelfore explained the three (3) types of significant risk areas that may be identified as part of the required communications letter. Two are required by AICPA which are override of internal controls by management and improper revenue recognition due to fraud. And the third is a standard set by James Moore, for any government receiving restricted funding, they call it the improper use of restricted resources. - 46:00

No significant difficulties were noted by James Moore. This audit also had the lowest number of year-end adjustments at three (3). There were no material corrected misstatements and no disagreements with management noted. - 55:32

Zach Chelfore explained the four auditors' reports that James Moore issues. The Independent Auditors' Report came back with an unmodified opinion; the Report on Internal Control and Compliance had no material weaknesses; the Management Letter had no findings or recommendations; and the Independent Accountants' Examination Report reported the Town in compliance with state statutes over investment activity/policies. - 1:01:55

Zach Chelfore reviewed the General Fund and explained the types of fund balances found on the General Fund. His opinion was that we have a healthy reserve for a municipality of our size. - 1:05:30

Zach Chelfore reviewed the pension funds and the percentage of the Police pension funded at the time of the report (105.10%). - 1:09:40

Vice Mayor Dawn Barlow, Commissioners Anna Butler, Commissioner Tim Reed, and Commissioner Robert Baldwin had no questions for the auditor. Mayor Dennington had additional questions for the auditor.

Commissioner Robert Baldwin left at 5:15 pm.

Mayor Alison Dennington expressed concern that the auditors did not investigate the payments made to BSE. Provided a document from the state that talks about audit procedures and different requirements.

Vice Mayor Dawn Barlow left at 5:19 pm.

Town Manager Elizabeth Mascaro explained what information gets passed on to the auditors.

Mayor Alison Dennington continued to explain her concern about a lack of contract with BSE in the past and her concern that it is not being looked into in the audit. Was looking for a number or specific amount that would make it a big enough issue to look into.

Zach Chelfore said the objective of a financial audit is to express an opinion on the financial statements. It is not an internal control audit. The consideration of internal controls is to understand for the purpose of how to test financial activity - 1:28:15

Mayor Alison Dennington read quotes from the compliance auditing in Florida for counties, municipalities and special districts from the Florida Institute of Certified Public Accountants practice aid about auditors reports and audit scope.

Zach Chelfore said they go through a rigorous peer review system that looks at actual audits, looks at the internal control procedures to ensure that they follow audit standards. Spoke about how, of the 4 reports, the first follows the generally accepted audit standards set by the AICPA, the second is required by the US GAO, and the last two are required by the auditor general.

Commissioner Anna Butler asked what can be done, considering the Mayor's concerns about this audit.

Mayor Alison Dennington spoke about how she wanted to bid the audit because they had not changed in a while since that had happened. Said she wanted to see what the auditor looked at or not and why he didn't look at certain things.

Commissioner Tim Reed left at 5:43 pm.

Mayor Alison Dennington asked Zach Chelfore to elaborate where it says, must include procedures in audit designed to detect and report non compliance with laws and regulations with local laws that include procurement laws. Asked him for a list of procedures to detect and report non compliance and requested to be able to see that list.

Zach Chelfore said there is a request list, they have a client portal where things are submitted. He said the Town could export it or they could.

Mayor Alison Dennington verified he would be able to send the request list in an email and that he could get it to her probably tomorrow.

Commissioner Anna Butler moved to adjourn; Motion failed for lack of a second.

6. Adjournment

Commissioner Anna Butler moved to adjourn; Mayor Alison Dennington seconded; Motion carried 2-0.

Meeting adjourned at 5:48 pm.

ATTEST:

Alison Dennington
Mayor

Rachel Pembroke
Transcriptionist

Town Commission Meeting

Section: Unfinished Business

Meeting Date: June 18, 2025

From: Ryan Knight, Town Attorney

Re: Discussion on the proposed ordinance language for owner-occupied short-term rentals and life safety issues or revisions

Background:

The update to the short-term rental ordinance removed owner-occupied rentals. The Commission discussed creating an ordinance for owner-occupied short-term rentals and life safety issues.

Recommendation:

Discuss language to include in an ordinance for owner-occupied short-term rentals and life safety issues

Attachments:



Chair James Simmons
Vice Chair Bruce Larson
 Kathryn Ivers-Osthus
 Charles Leps Jr.
 Jessica Martinez

TOWN OF MELBOURNE BEACH

2025 CHARTER REVIEW COMMITTEE

FINAL REPORT

THE FINAL REPORT OF THE TOWN OF MELBOURNE BEACH 2025 CHARTER REVIEW COMMITTEE PROPOSING TO AMEND THE TOWN OF MELBOURNE BEACH CHARTER TO: RECOGNIZE BOTH GENDERS IN THE CHARTER; AMENDING RESIDENCY REQUIREMENTS; PROVIDE TIME TO ASSUMING OFFICE AND TERM LIMITATIONS; AMEND VACANCY APPOINTMENT PERIOD; PROVIDE CANDIDATES RECEIVING LARGEST AMOUNT OF VOTES SHALL BE ELECTED TO THE LONGEST TERMS; CLARIFY REQUIREMENT TO COMMISSION TO VOTE TO ADJOURN; REMOVING AUTHORITY TO APPOINT, SUSPEND, OR REMOVE TOWN CLERK; PROHIBITING COMMISSION MEMBERS FROM INTERFERENCE EXCEPT THROUGH TOWN MANAGER UNLESS AUTHORIZED BY A MAJORITY OF THE TOWN COMMISSION; REMOVING AUTHORITY TO FIX SALARY OF TOWN CLERK; PROVIDING TOWN ATTORNEY'S SALARY/CONTRACT FIXED AND APPROVED BY TOWN COMMISSION; AMENDING CHARTER TO DEFINE UNACCEPTABLE GIFT AND SPECIFYING FLORIDA STATUTES.

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SECTION I – COVER LETTER



Chair James Simmons
Vice Chair Bruce Larson
 Kathryn Ivers-Osthus
 Charles Leps Jr.
 Jessica Martinez

April 28, 2025

Dear Mayor and Commission Members,

On behalf of the Charter Review Committee, we greatly appreciate the honor of serving together for this review. We met, discussed, reviewed, and researched the Town Charter in its current form and our recommendations for amendments to the Town Charter are attached.

The current Town Charter references to only “he” or “his” are made. The Committee believes it is appropriate to update the Town Charter to provide for “she” and “her” in the updated Town Charter. These recommendations are made throughout the Town Charter.

Article II: The Committee is making the recommendation for residency requirements for members of the Town Commission be increased from six (6) months to twelve (12) months, as it believes this would provide candidates with roots firmly established in the Town. The Committee is also recommending updating the forfeiture of office provision for Commission members to include malfeasance and misfeasance.

Further, the Committee is making the recommendation that the term of office and vacancy provisions be amended to clarify the amount of time a Commission member that has served two (2) complete consecutive terms must wait until serving on the Commission again and clarify the time period an appointed Commission member shall serve. The Committee has also recommended language providing that the candidate with the largest number of votes shall be declared elected for the longest term available. Issues related to these items have occurred within the past few years and the Committee believes its recommendations will provide clarity on these issues moving forward.

Article III: The Committee spent a great deal of time discussing the Office of the Town Manager, Office of the Town Clerk, and the Code of Ethics. The Committee believes it is important to revise the non-interference clause to promote the efficient use of staff time and resources, while

providing the Town Commission with a mechanism to obtain information to support inquiries and investigations. Additionally, the Committee is making the recommendation to update the Code of Ethics section to revise the acceptance of gifts in accordance with Florida Statutes and to specify the applicable Florida Statutes for the Code of Ethics for Public Officers and Employees. With respect to the non-interference clause, the Committee believes that if it is adopted by voters, it necessitates education and procedures that should be fully discussed with new Commission members and reviewed by existing Commission members.

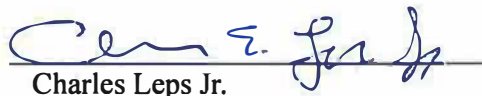
We appreciate the opportunity to share these recommendations in the spirit of improving the Town's governance. It has been an honor to serve on this committee and we have taken our responsibilities to review the Town Charter seriously. We are available to discuss these recommendations in greater detail should it be the desire of the Commission and would encourage the Commission to schedule a workshop to discuss the Committee's proposed amendments.

Sincerely,


James Simmons, Chair


Kathryn Ivers-Osthus


Bruce Larson, Vice-Chair


Charles Leps Jr.


Jessica Martinez

SECTION II – INTRODUCTION

TOWN OF MELBOURNE BEACH 2025 CHARTER REVIEW COMMITTEE

INTRODUCTION

Following the establishment of the 2025 Charter Review Committee, pursuant to Resolution 2024-14, the Charter Review Committee held eight (8) public meetings on January 27, February 10, February 18, March 24, March 31, April 14, April 21, and April 23, 2025, to discuss the Town's Charter and make recommendations for the Town Commission's consideration. The Committee members include James Simmons, Bruce Larson, Kathryn Ivers-Osthus, Charles Leps Jr., and Jessica Martinez. James Simmons was elected as chair of the Committee and Bruce Larson was elected vice-chair. All meetings were publicly noticed, public comment was welcomed, and minutes were kept in accordance with Florida's Sunshine and Public Records Laws.

At the first meeting, a presentation was made by the Town Attorney regarding the charter review process, ballot summary requirements, and Florida's Sunshine and Public Records laws. By consensus, the Committee decided to review the entire Charter section by section. At its February 10, 2025, meeting, the Committee reviewed Articles I and II of the Charter and a great deal of discussion occurred regarding the Commission's composition and qualifications and terms of office. On February 18, 2025, the Committee discussed Articles II and III. On March 24, 2025, the Committee continued reviewing the Charter at Section 3.03. At its March 31, 2025, meeting, the Committee completed its review of the Charter. On April 14, 2025, the Committee reviewed its proposed amendments to the Charter, narrowed and revised the proposed amendments, and determined the amendments the Committee considered to be "high" priority and "lower" priority. The high priority amendments are as follows:

- Section 2.03 – Term of Office
- Section 2.04 – Vacancies on the Commission
- Section 2.09 – Commissioners-at-Large
- Section 3.01 – Powers and Duties of the Town Commission
- Section 3.03 – Office of the Town Manager
- Section 3.04 – Office of the Town Clerk

The following amendments were assigned a lower priority as they do not impact Town operations. Additionally, the Committee was also concerned about the amount of ballot proposals. The lower priority amendments are as follows:

- He/She/His/Her Amendments
- Section 2.02 – Composition and Qualifications
- Section 2.12 – Legislative Procedure
- Section 3.05 – Office of the Town Attorney
- Section 3.11 – Code of Ethics

On April 23, 2025, the Committee voted to propose eleven (11) charter amendments to the Town Commission for consideration to be placed on the ballot for the November election. Additionally, the 2025 Charter Review Committee approved this Final Report for the Town Commission's consideration on April 28, 2025.

**SECTION III – AMENDMENTS RECOMMENDED
BY 2025 CHARTER REVIEW COMMITTEE**

*****Lower Priority*****

**Ballot Title, Summary and Proposed Amendment –
Recognition of Both Genders**

A. Introduction.

This Charter amendment would replace “he” to “he or she” and “his” to “his or her” so as to recognize both genders when describing a Commission member and his or her office and the Town Officials and his or her position.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

REPLACING “HE” AND “HIS” AND
INCLUDING “HE OR SHE” OR “HIS AND HER”

Amending the Charter by removing any references to “he” and “his” and replacing these terms with “he or she” or “his and her” throughout the Charter. This Charter amendment does not create any new rights, duties, obligations, or prohibitions.

Budget Director’s estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: The Charter would be amended when there is any reference to “he” and “his” and replaced with “he or she” or “his or her.”

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

*****Lower Priority*****

Ballot Title, Summary and Proposed Amendment – Section 2.02

A. Introduction.

This Charter amendment would amend the qualifications of the Commission to provide that any member serving on the Commission be a resident of the Town for at least twelve (12) months and providing that the office of a Commission member shall be forfeited for malfeasance or misfeasance. Additionally, this amendment removes “a crime involving moral turpitude” as a basis for forfeiture of office of a Commission member.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

AMEND RESIDENCY REQUIREMENT AND
PROVIDING FOR FORFEITURE OF OFFICE
FOR MALFEASANCE OR MISFEASANCE

Amending the Charter by increasing the residency requirement for Commission members and providing for forfeiture of office of a Commission member for malfeasance or misfeasance. This amendment will increase the residency requirement for Commission members from six (6) months to twelve (12) months prior to the date of qualification for office.

Budget Director’s estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.02, amending to reflect the increase in residency requirements and provide for malfeasance and misfeasance for forfeiture of office. (Underline text is added to the Charter and ~~striketrough~~ text is removed).

Article II, Section 2.02

The Commission shall consist of five (5) members elected by the qualified voters of the Town as hereinafter provided. Members of the Town Commission shall have been residents of the Town for at least ~~six (6)~~ twelve (12) months prior to the date of qualification for office, and shall have the qualifications of a Town Elector. The Commission shall consist of five (5) Commissioners: The Mayor elected as such, and four (4) Commissioners-at-Large.

The office of Commission member shall be forfeited whenever a member is finally convicted of a felony ~~or a crime involving moral turpitude, malfeasance, or misfeasance~~. When a member files for election to or accepts any other elective public office, he ~~or she~~ shall submit his ~~or her~~ resignation. This resignation shall be effective when his ~~or her~~ former office is filled or when he ~~or she~~ accepts an elective office, whichever comes first.

Any qualified elector of the Town who meets the foregoing qualifications may qualify for a Commission seat by presenting to the Town Clerk a petition signed by twenty-five (25) qualified Town electors, and by paying a filing fee, during the qualifying period as established from time to time in the town code of ordinances, and said elector shall submit concurrently therewith a sworn statement of his or her name, address, occupation, and willingness to serve if elected. Until otherwise provided by Town ordinance, the filing fee shall be ten dollars (\$10.00).

The Commission shall be the judge of the qualifications of the candidates for election to the Commission, and for such purpose shall have the powers to subpoena witnesses and require the production of evidence, but the decision of the Commission in any such case shall be subject to review by the courts.

Each person seeking to qualify for election to office as a write-in candidate shall certify under oath to the Town Clerk during the qualifying period as established from time to time in the town code of ordinances the following information:

Name, address, that he or she possessed all of the qualifications required by law for the office, the name of the office he seeks, and that he will accept the office.

Failure to qualify as a write-in candidate shall mean that any write-in votes cast for such person shall not be counted.

At the time of certifying under oath the above information, a write-in candidate shall be considered a candidate except that he or she shall not be entitled to have his name printed on the ballot.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which _____ represents _____.

*****High Priority*****

Ballot Title, Summary and Proposed Amendment – Section 2.03

A. Introduction.

This Charter amendment provides that an elected Commissioner shall take office at the beginning of the next regular Town Commission meeting following an election, decreases the time a Commissioner or Mayor is prohibited from serving on the Commission due to term limitations from one (1) year to eleven (11) months, and removes unnecessary language relating to the November 2, 2004 election.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

PROVIDE WHEN ELECTED COMMISSIONERS
SHALL ASSUME OFFICE AND MINIMUM
TERM LIMITATIONS

Amending the Charter by providing an elected Commissioner shall assume office at the next regularly scheduled Commission meeting following an election and amending the time an elected official may not serve on the Commission due to term limitations from one (1) year to eleven (11) months.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.03, amending to reflect the increase in residency requirements and provide for malfeasance and misfeasance for forfeiture of office. (Underline text is added to the Charter and ~~striketrough~~ text is removed).

Article II, Section 2.03

(a) Elected Commissioners shall take office at the beginning of the next ~~official~~ regular Town Commission meeting following the municipal election at which they were elected. They shall hold office for a term of three (3) years, or until their successors are elected and ~~qualified~~ certified by the Brevard County Supervisor of Elections, unless:

(1) The individual has been appointed or elected to fulfill the term of a Commissioner-at-Large who has been removed from office other than by means of recall, forfeited the office of Commissioner-at-Large, resigned, or the office has become vacant due to the death of a Commissioner-at-Large. In such event, a successor Commissioner-at-Large shall assume office in the manner set forth in Section 2.04. in this Charter.

(2) The individual has been elected to fulfill the term of a Commissioner-at-Large who has been recalled from said office by the electorate. In such event a newly elected Commissioner-at-Large who is replacing a Commissioner-at-Large recalled from office shall serve a term equal in time to what would have otherwise been the time remaining in the term of the recalled Commissioner-at-Large's term; or

(3) The individual is elected to fill a term otherwise consistent with this Charter.

(b) Neither a commission member or the mayor may qualify for or serve more than two (2) complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy. Notwithstanding the foregoing, an elected city official, such as a commissioner, who has served the maximum time in office as permitted by this paragraph, may qualify for and be elected to serve in a different city elected office, such as mayor. Further, a commissioner or the mayor who has served the maximum amount of time permitted by this sub-section may again serve on the commission subject to the time and term limitations of this sub-section; provided, that the official has not served on the commission for at least ~~one (1) year (three hundred sixty-five (365) days = one (1) year).~~ eleven (11) months. Any city elected official who resigns within one (1) year (three hundred sixty-five (365) days = one (1) year) before the end of the second consecutive term of office shall be prohibited from qualifying as a candidate for a commission seat in the next regular city election. ~~This paragraph shall be applicable to any commission member or the mayor who, subsequent to the election held on November 2, 2004, has served for two (2) complete consecutive terms and which terms have been served in full after November 2, 2004.~~

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

*****High Priority*****

Ballot Title, Summary and Proposed Amendment – Section 2.04

A. Introduction.

This Charter amendment provides that an appointed Commission member as a result of a vacancy shall serve until the next general election for which the qualifying period has not begun at the time of the vacancy.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

PROVIDE THE TIME PERIOD FOR A
COMMISSIONER TO SERVE AS A RESULT OF
AN APPOINTMENT DUE TO VACANCY

Amending the Charter by specifying the time period for a Commissioner to serve as a result of an appointment due to vacancy. This amendment specifies that an appointed Commissioner shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.04, amending to specify the time period an appointed Commissioner shall serve. (Underline text is added to the Charter and ~~striketrough~~ text is removed).

Article II, Section 2.04

A vacancy shall occur upon the death, resignation, removal from office (other than by recall) as authorized by law, or forfeiture of office of a Commission member. When such a vacancy occurs, other than that of Mayor, the remaining Commission members may select, by the affirmative vote of not less than a majority of the remaining membership, a person to fill the vacancy. Such an appointed person shall be a qualified elector in the Town, as specified in this Charter, and shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy, at which time a candidate will be elected to serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant.

In the event the office of Mayor is vacated, the Vice-Mayor assumes the position until the next general municipal election, at which time a candidate will be elected to serve for the remainder of the Mayor's unexpired term, and a person is appointed or elected to fill the office of

Commissioner-at-Large held by the Vice-Mayor, all in accordance with the criteria and procedures herein provided. Said individual succeeding to the position of Commissioner-at-Large, formerly held by the Vice-Mayor, shall hold office only until the next general municipal election.

If the Commission shall fail to fill a vacancy on the Commission within thirty (30) days after it occurs, or whenever two (2) or more vacancies shall occur at the same time, the Mayor shall immediately call a special election to fill the vacancy or vacancies. Those elected at the special election will serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

In no event shall the Commission consist of more than two (2) commissioners serving on an appointive basis.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which _____ represents _____.

*****High Priority*****

Ballot Title, Summary and Proposed Amendment – Section 2.09

A. Introduction.

This Charter amendment removes language pertaining to the 1989 election and provides that the candidates receiving the largest number of votes shall be declared elected for the longest terms.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

PROVIDE THAT CANDIDATES RECEIVING
LARGEST NUMBER OF VOTES ELECTED TO
THE LONGEST TERMS

Amending the Charter by providing that the candidates for Commissioners-at-Large that receive the largest number of votes shall be declared elected for the longest terms to be filled.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.09, amending to specify the time period an appointed Commissioner shall serve. (Underline text is added to the Charter and ~~striketrough~~ text is removed).

Article II, Section 2.09

~~A total of four (4) Candidates for Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.~~

Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which _____ represents _____.

*****Lower Priority*****

Ballot Title, Summary and Proposed Amendment – Section 2.12

A. Introduction.

This Charter amendment would clarify the requirement for the Commission to vote to adjourn.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

CLARIFY THE REQUIREMENT FOR
COMMISSION TO VOTE TO ADJOURN

Amending the Charter by providing that less than three (3) Commission members may vote to adjourn Commission meetings.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article II, Section 2.12. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article II, Section 2.12

Three (3) members of the Commission shall constitute a quorum, but a smaller number may vote to adjourn from day to day. No action of the Commission, except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the Commission. The Commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The Commission may prescribe for expulsion of disorderly persons from its meetings.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which _____ represents _____.

*****High Priority*****

Ballot Title, Summary and Proposed Amendment – Section 3.01

A. Introduction.

This Charter amendment would remove the Town Commission's authority to appoint, suspend, or remove the Town Clerk. This amendment is required in order to be consistent with the Charter amendments adopted on November 7, 2017, which moved supervision of the Town Clerk from the Town Commission to the Town Manager.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

REMOVING THE TOWN COMMISSION'S
AUTHORITY TO APPOINT, SUSPEND, OR
REMOVE TOWN CLERK

Amending the Charter by removing the Town Commission's authority to appoint, suspend, or remove the Town Clerk.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.01. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.01

All powers of the Town shall be vested in an elected Commission, except as otherwise provided by this Charter or by law. The Town Commission shall be responsible to the citizens of Melbourne Beach for the proper functioning of all Town affairs and to that end, subject to the provisions of this Charter, shall have power and are required to:

- (a) Appoint, and when necessary for the good of the Town, suspend or remove, the Town Manager, ~~Town Clerk~~ or Town Attorney, or members of any board, commission or agency, who are appointed by the Town Commission.
- (b) Approve any additions or deletions of staff positions upon the recommendation of the Town Manager. Such recommendations of the Town Manager shall be made in conjunction with the proposed budget for the upcoming year, or may be made at any other time if deemed necessary.

- (c) Provide policy direction to, and exercise control over, the Town Manager as may be required in his role as administrative head of the Town.
- (d) Approve an annual Town budget and any amendments to the budget, together with such other fiscal reports and programs as may be required, and periodically review the financial status of the Town relative to the current budget.
- (e) Provide Town representation on intragovernmental groups when such groups are composed principally of elected officials or when such representation is deemed advisable by the Commission.
- (f) Perform such other duties as may be prescribed by ordinance or resolution consistent with the concept of management of the Town expressed in this Charter.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

*****High Priority*****

Ballot Title, Summary and Proposed Amendment – Section 3.03

A. Introduction.

This Charter amendment requires the Town Commission to set the salary and benefits of the Town Manager and amends the prohibition on members of the Town Commission from interfering with the administration of the Town except through the Town Manager. Many cities operating under the commission-manager form of government have a charter provision prohibiting members of the town commission from interfering with the operations of the Town except through the Town Manager.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

PROHIBITING TOWN COMMISSION
MEMBERS FROM INTERERING WITH
OPERATIONS EXCEPT THROUGH TOWN
MANAGER

Amending the prohibition on Town Commission members interfering with Town operations except through the Town Manager. This amendment also provides that the Town Commission shall set the salary and benefits of the Town Manager.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.03, amending to specify the time period an appointed Commissioner shall serve. (Underline text is added to the Charter and ~~strike through~~ text is removed).

Article III, Section 3.03

(a) This office shall be headed by a Town Manager, who shall be appointed by the Town Commission on the basis of his or her executive and administrative qualifications. The Town Commission shall set the salary and benefits of the Town Manager. The Town Manager shall be the Chief Administrative Officer of the Town, and shall be directly responsible to the Commission for all Town affairs placed in his or her charge by this Charter or by ordinance or resolution. The Town Manager when necessary shall appoint, suspend, demote or dismiss any Town employee under his or her jurisdiction in accordance with the law and the personnel rules, and may authorize any Department Head to exercise these powers with respect to subordinates in that department. The Town Manager shall direct and supervise the administration of all departments of the Town

except the Office of Town Attorney, and shall attend all Commission meetings unless excused by the Commission, and shall have the right to take part in discussions, but not vote. He or she shall see that all laws, Charter provisions, ordinances, resolutions, and other acts of the Commission subject to enforcement by him or her are faithfully executed. The Town Manager shall also prepare and submit the annual budget, budget message, and capital program to the commission, and shall keep the Commission fully advised as to the financial condition and future needs of the Town, and shall be responsible for adhering to the approved budget. The Town Manager shall make such recommendations to the Commission concerning the affairs of the Town as he or she deems advisable. The Town Manager shall endorse all instruments in writing in which the Town is interested, sign Town checks as authorized by the Town Commission, and execute contracts on behalf of the Town, unless the Commission shall otherwise provide. The Town Manager shall by letter designate an Acting Town Manager to exercise his or her powers and perform his or her duties during temporary absences or disability of the Town Manager. The Commission may revoke such designation at any time and appoint another eligible person to serve as Acting Town Manager.

~~(b) Except for the purpose of inquiries and investigations, the Town Commission or its members shall not give orders or directions to any officer or employee of the Town who is under the direction and supervision of the Town Manager, and shall deal with such officers and employees only through the Town Manager.~~

The Town Commission or its members shall not give directions to or interfere with any officer or employee of the Town who is under the direction and supervision of the Town Manager. The Town Commission may direct by a majority vote the Town Manager or Town staff to support inquiries and/or investigations.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which _____ represents _____.

*****High Priority*****

Ballot Title, Summary and Proposed Amendment – Section 3.04

A. Introduction.

This Charter amendment would remove the Town Commission’s authority to fix the salary of the Town Clerk. Additionally, the amendment removes the provision that the Town Clerk is to “serve the Commission.” This amendment is required in order to be consistent with the Charter amendments adopted on November 7, 2017, which moved supervision of the Town Clerk from the Town Commission to the Town Manager.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

REMOVING THE TOWN COMMISSION’S
AUTHORITY TO FIX SALARY OF TOWN
CLERK

Amending the Charter by removing the Town Commission’s authority to fix the salary of the Town Clerk.

Budget Director’s estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.04. (Underline text is added to the Charter and ~~strike through~~ text is removed).

Article III, Section 3.04

This office shall be headed by a Town Clerk hired by the Town Manager, ~~to serve the Commission. The salary of the Town Clerk shall be fixed by the Commission.~~ The Town Manager shall have exclusive supervisory authority over the Town Clerk as a Town employee, including the authority to manage, discipline, and terminate consistent with the Town’s employment policies, without consent of the Town Commission. The Clerk shall be: Clerk of the Commission and shall keep the Commission journal; custodian of ordinances, resolutions, and such other official records as the Commission may prescribe; attester to contracts, bonds, and other instruments as may be prescribed by law; chief registration and elections officer of the Town; and responsible for other duties so prescribed by the Town Commission or Town Manager.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

*****Lower Priority*****

Ballot Title, Summary and Proposed Amendment – Section 3.05

A. Introduction.

This Charter amendment would clarify that the Town Commission shall fix and approve the salary and/or contract of the Town Attorney. It further removes the requirement that the Town Attorney be the prosecutor in the Town court.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

PROVIDING TOWN ATTORNEY'S
SALARY/CONTRACT FIXED AND APPROVED
BY COMMISSION

Amending the Charter by providing the Town Attorney's salary and/or contract shall be fixed and approved by the Town Commission. This amendment also removes the requirement that the Town Attorney be the prosecutor in the Town court.

Budget Director's estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.05. (Underline text is added to the Charter and ~~striketrough~~ text is removed).

Article III, Section 3.05

This office shall be held by an attorney, appointed by the Commission. The salary and/or contract of the Town Attorney shall be fixed and approved by the Commission. The Town Attorney shall be legal advisor and attorney to the officers of the Town in matters affecting the Town or relating to their official duties; prosecute and defend in behalf of the Town all civil actions in which the Town is a party; prepare and endorse written instruments in which the Town is concerned; ~~be prosecutor in the Town court~~; and perform other duties as the Commission may require or as may be prescribed by general state law, consistent with this Charter and with ordinances or resolutions of the Commission. One or more assistants may perform any duties of the Town Attorney. The Town Attorney and his or her assistants shall be lawyers admitted to and having authority to practice in all courts of the state, as well as the Federal District Court.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which represents _____.

*****Lower Priority*****

Ballot Title, Summary and Proposed Amendment – Section 3.11

A. Introduction.

This Charter amendment amends the prohibition on officers and employees of the Town to accept gifts as defined in Section 112.313(2) and 112.313(4), Florida Statutes, and specifies the statute sections applicable to the Code of Ethics for Public Officers and Employees.

B. Ballot Proposal: The ballot title and question for Question # ____ are as follows:

AMENDING THE CHARTER TO DEFINE
UNACCEPTABLE GIFT AND SPECIFYING
APPLICABLE FLORIDA STATUTES

Amending the Charter by providing incorporating the definition of “unacceptable gift” as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, and specifying the applicable statutory sections for the Code of Ethics for Public Officers and Employees.

Budget Director’s estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article III, Section 3.11, amending to specify the time period an appointed Commissioner shall serve. (Underline text is added to the Charter and ~~strikethrough~~ text is removed).

Article III, Section 3.11

The following code of ethics shall apply to all officers and employees of the municipality, whether elected or appointed, paid or unpaid. By majority vote of the Commissioners, the Commission may vote to censure a member for violating this code. No officer or employee of the Town shall knowingly:

(a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of his or her official duties;

(b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties, or would tend to impair his or her independence of judgment or action in the performance of his or her official duties;

(c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is employed, without proper legal authorization, or use such information to advance the financial or other private interest of himself or herself or others;

(d) Accept any ~~valuable~~ unacceptable gift as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, whether in the form of service, loan, ~~thing~~ item, ~~whether tangible or intangible~~, or promise, from any person, firm, or corporation which to his or her knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he or she is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(e) Represent private interests in any action or proceeding against the governmental body by which he or she is employed;

(f) Vote or otherwise participate in the negotiation or the making of any contract involving the Town with any business or entity in which he or she has a financial interest;

(g) Have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town, [and if so] shall disclose such private interest on the records of the Commission, and shall disqualify himself or herself from participating in any decision or vote relating thereto;

(h) Use property owned by such governmental body for personal benefit, convenience, or profit except in accordance with policies of the Commission; or

(i) Violate the Code of Ethics for Public Officers and Employees as provided for in Sections 112.311 through 112.3261, Florida Statutes, as may be amended or the Florida Election Code, as set forth in Florida Statutes, and implementing rules thereof, and if a Town officer or employee has been found to have violated the Code of Ethics for Public Officers and Employees by the Florida Commission on Ethics or the Florida Election Code by the Florida Elections Commission, or implementing rules thereof, he or she may be censured by the Town Commission.

D. Financial Analysis and Impact:

Based on information provided by the Budget Director, the cost of the proposed amendment is approximately _____, which _____ represents _____.

SECTION III – SPANISH TRANSLATIONS OF BALLOT TITLES AND SUMMARIES

(To be supplied following Town Commission adoption)

SECTION IV – EXHIBITS

A.Minutes of CRC Meetings

B.Matrix of Proposed Charter Amendments

EXHIBIT A - MINUTES

Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, February 10, 2025, 6:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. **Call to Order**

Chairman James Simmons called the meeting to order at 6:00 p.m.

2. **Roll Call with Determination of Quorum**

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

3. **Approval of minutes**

A. January 27, 2025 minutes

Member Jessica Martinez made a motion to approve the January 27, 2025 minutes; Vice Chairman Bruce Larson seconded; Motion carried 5-0.

4. **Public Comment**

None

5. **New Business - 1:10**

A. Charter review Articles 1 and 2

Chairman James Simmons requested the Town Attorney to elaborate on the Sunshine Law in reference to being a conduit.

Town Attorney Ryan Knight spoke about what a conduit is and how it would be a violation of the Sunshine Law.

Vice Chairman Bruce Larson spoke about 1.01, asked if making changes would lead to repealing the present Charter.

Town Attorney Ryan Knight said it wouldn't be repealing the entire thing, it would be amending it and you would be able to see what is being removed and added.

Chairman James Simmons spoke about unless there is something within Article 1 then it would not be in the referendum.

Vice Chairman Bruce Larson spoke about Section 1.02.

Town Attorney Ryan Knight spoke about unless something within that section is being changed, then it does not need to be amended.

Vice Chairman Bruce Larson spoke about how Section 1.04 does not include the Mayor and would like to amend that to start with the Mayor, Vice Mayor and Commissioners.

Chairman James Simmons spoke about how that Section is referring to 1973 when they approved the new Charter. Said the Mayor was on the ballot when that Charter was approved.

Town Attorney Ryan Knight spoke about the only reason he can see to amend that section would be if the terms were changing in Article II.

Vice Chairman Bruce Larson clarified that Section 1.04 does not have any effect. Spoke about wanting to amend Section 1.05, Boundaries.

Town Attorney Ryan Knight said from a legal perspective it would not be necessary to do, but it is something that could be included if they wanted to.

Vice Chairman Bruce Larson said that brings up the question of why we are here, do we want to only do things that are necessary to get it cleaned up or hash out how they did things in the past and come up with more changes. - 13:50

Chairman James Simmons said Section 2 is comprehensive, normally when doing document reviews, he will ask if everyone concurs on each issue and then everyone can vote at the end of the Section.

Vice Chairman Bruce Larson received confirmation from the Town Attorney that the Town has home rule authority and that it does not have to be explicitly stated.

Member Jessica Martinez said her concern is making sure the Town has more control of what they govern, clarified if something is against Florida law, that would supersede this.

Member Charles Leps Jr spoke about 2.02 and wants to carefully define how residency is legally determined.

Town Attorney Ryan Knight said residency is where people's primary residence is. As far as requirements for Charter, some cities require somewhere between 6 months and 2 years.

Member Jessica Martinez spoke about how she would like to increase it more than 6 months.

The Board agreed on wanting to increase the residency.

Town Attorney Ryan Knight spoke about one year is safe, but 2 years might get tested in court.

The Board agreed to change the 6 months to 12 months in Section 2.02.

Town Attorney Ryan Knight spoke about if it goes to court, they look for utility bills, payments, and the resident has to sign an affidavit swearing to their residency.

Chairman James Simmons said if someone were a 6 months and a day seasonal renter, even if they could vote, they could not be on the Commission.

Town Attorney Ryan Knight said someone who could not regularly attend meetings should not be on the Commission, however, there is nothing preventing them from being on the Commission and flying down once a month for meetings.

Vice Chairman Bruce Larson talked about how people would also have to be registered to vote there. Asked Town Clerk Amber Brown if the Town did their own investigations if people were actually living there.

Town Clerk Amber Brown said they only have information on residents in the current year.

Town Attorney Ryan Knight said it does say the Commission shall be the judge of the qualifications of the candidates for elections. - 28:50

Town Attorney Ryan Knight said it is currently worded as four Commissioners at large, another option would be electing people from districts, but that is usually an option reserved for larger Towns.

The Board did not want to change to districts.

The Board agreed to change moral turpitude to malfeasance and/or misfeasance.

Town Attorney Ryan Knight clarified there can be no dual office holding.

Member Charles Leps Jr brought up how changing the gender language throughout the Charter would be done. He confirmed it would only need to be addressed once to change all the instances that language is used as opposed to each time that language is used in each section of the Charter.

Town Attorney Ryan Knight said it would be one ballot question, for example, should we change the Charter from saying he to he/she. He does recommend having a revised copy attached to the Ordinance that has that language changed.

Vice Chairman Bruce Larson received confirmation that a copy with the changes could be released before the vote on the Town website.

The Board agreed to change any gender reference to gender-neutral language throughout.
46:46

The Board went through the remaining sections which addressed signature requirements and write-in candidates, and ultimately decided to leave them as is.

Chairman James Simmons went over the changes for 2.02 which were to change the requirement to 12 months to be a resident, changing crime involving moral turpitude to malfeasance/misfeasance, and to change any gender reference to gender neutral language.

Vice Chairman Bruce Larson made a motion to approve 2.02 as amended; Member Charles Leps Jr seconded; Motion carried 5-0. - 57:30

The Board agreed to come back to section 2.03(a) after getting feedback from the Commission on even year election vs odd year election.

Member Charles Leps Jr spoke about 2.03(a) and how that should refer to the next Regular Town Commission Meeting. Also spoke about not liking the use of the word qualified.

The Board agreed to change 2.03(a) next official meeting to the next Regular Town Commission Meeting. Also, change qualified to certified by the Supervisor of Elections.

Town Attorney Ryan Knight clarified that 2.03(a)1 is saying if you are an elected Commissioner you shall hold office for 3 years unless you were appointed or elected to fulfill the term of a Commissioner at large who has been removed from office.

Town Attorney Ryan Knight went over what happens if a Commissioner is recalled versus if they quit/die in office, but said they could be combined.

Member Jessica Martinez mentioned getting rid of appointments altogether and just holding a special election if someone has to leave office for whatever reason.

Town Clerk Amber Brown said they would be able to call a special election, but would have to allow the full amount of time and qualify the candidates, etc, so in the meantime the Commission would be down a member until that special election took place. - 1:12:45

Member Jessica Martinez asked if someone is appointed, does that count as a full term.

Town Clerk Amber Brown said if they appoint, it is for one year until the next general election. If they do a special election, then they could fulfill that remaining time. Said it does stipulate two full terms plus a partial.

The Board discussed the language to use to combine what happens for any of the reasons someone would leave office.

Member Charles Leps Jr said resignation, death, forfeit or recall would be the four reasons and believes that each should be stated.

Member Jessica Martinez spoke about how if someone left office, would not want to spend money on an election but does not like that the Commission can just appoint someone, and discussed requiring getting signatures from residents to support the Commissioners appointee.

Town Clerk Amber Brown read State Statute 100.361 Section 6 is for filling of vacancies. Shall be voted upon at the same election, is that why we cannot do an appointment?

Town Attorney Ryan Knight said if something is not in the Charter the State Statute governs.

The Board decided to leave the wording about what happens when a Commissioner leaves office as is.

Member Charles Leps Jr spoke about striking the last sentence of section 2.03(b). - 1:27:00

Chairman James Simmons spoke about how it says 365 days and each year there is less than 365 days between elections. Change it to 363 days.

Town Attorney Ryan Knight spoke about it could be changed to 11 months.

The Board discussed if there would be any negatives changing from 365 days to 11 months.

The Board agreed to change 2.03(b) from 1 year 365 days to 11 months.

The Board agreed to remove the last sentence of Section 2.03(b).

Chairman James Simmons said the changes the Board agreed upon for Section 2.03 were to say the next Regular Town Commission Meeting, and say certified by the Supervisor of Elections in 203(a), and for 2.03(b) to change 365 days to 11 months. Also said in Section 203(a) they will come back to the part about 3 years at a later date.

Member Charles Leps Jr made a motion to approve Section 2.03 as amended; Member Jessica Martinez seconded; Motion carried 5-0. - 1:44:40

Vice Chairman Bruce Larson mentioned at a Regular Town Commission meeting months ago, the Town Attorney mentioned there were several points that could be cleaned up and asked if he could highlight some of those points.

Town Attorney Ryan Knight spoke about how when someone resigns six months before an election, there's not enough time to get qualified to be on the ballot, so they might want to make a distinction between if there is more or less than 6 months less in their term. Also said to clarify that the next upcoming election can refer to the next general or special election.

Chairman James Simmons spoke about the cost of elections and how the more elections that are had, the more the budget is burdened and that could be at the expense of a lifeguard.

Town Attorney Ryan Knight said it says in the Charter, if the Commission does not appoint someone within 30 days, the Mayor must call a special election.

Vice Chair Bruce Larson would be in favor of language that allows the Commission to utilize appointments. Sometimes the time remaining for the term does not justify the cost of a special election.

The Board discussed recommending an Ordinance update to add a process for appointing a Commissioner.

Chairman James Simmons spoke about being ready to discuss the remainder of Section 2 and also Section 3.

Town Attorney Ryan Knight said he is going to make the changes to review at the next meeting.

6. Adjournment

Member Charles Leps Jr made a motion to adjourn; Member Kathy Ivers-Osthus seconded; Motion passed 5-0.

Meeting adjourned at 8.01 pm.



James Simmons
Chairman

ATTEST:



Rachel Pembrook
Transcriptionist



Town of Melbourne Beach

CHARTER REVIEW COMMITTEE TUESDAY, FEBRUARY 18, 2025, 6:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. **Call to Order**

Town Attorney Ryan Knight called the meeting to order at 6:00 p.m.

2. **Roll Call with Determination of Quorum**

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

3. **Approval of minutes**

A. February 10, 2025 minutes

Vice Chairman Bruce Larson made a motion to table the minutes; Member Charles Leps Jr seconded; Motion carried 5-0.

4. **Public Comment**

None

5. **New Business - 1:20**

A. Charter review Articles 2 and 3

Chairman James Simmons confirmed that the Board has reviewed the changes and are satisfied with what has been done so far. Moved onto Section 2.04 and spoke about the language used about recalls and filling the vacancies.

Town Attorney Ryan Knight explained that state law would govern the recall. Said they could reference that Statue, but it is not necessary, so the Board decided they were satisfied with the language currently being used.

Chairman James Simmons spoke about adding how previously in elections, if there are two full terms and one partial term, the third place finisher gets the partial term, but it does not explicitly say this anywhere, so they need to add that language into the Charter.

Town Attorney Ryan Knight said qualification would be assumed in order to be elected or appointed. Wanted to clear up what happens if someone resigns after the qualifying period has occurred which is between the 81st and 85th day preceding the election. The way the current Charter reads, if the resignation happens 30 days before election, is someone appointed for 30 days or would they be appointed up until the election the following year because they are not able to get on the ballot and no one can qualify for that seat. Suggested clearing up the last sentence with something like, once the qualifying period has passed, if someone resigns after that, they would be appointed to the Commission until the election the following year.

The Board agreed to add the following language to Section 2.04 Vacancies on the Commission, for which the qualifying period has not begun at the time of a vacancy.

No amendments to Section 2.05 Prohibition Against Employment.

Chairman James Simmons clarified that a person cannot hold two positions, which means a person cannot be a member of the Commission and hold a Board position.

No amendments to Section 2.06 Compensation.

No amendments to Section 2.07 the Mayor. However, the Board would like to get feedback from the Commission on the term being 3 years.

No amendments to Section 2.08 Vice Mayor.

Section 2.09 Commissioner-at-Large. - 22:26

Chairman James Simmons said the first sentence and first clause of the second sentence could be taken out. Spoke about adding language that says, in elections with two terms on the ballot, the 2 candidates receiving the largest and second largest number of votes shall each be elected to 3 year terms. Candidates receiving less than the 2 largest number of votes shall each be elected to the partial term with the higher vote getter getting the longer term.

Town Clerk Amber Brown spoke about why this language matters, giving an example of a time when there were two positions available, one for a 3 year term and one for a 1 year term

because someone vacated. Both of those would be filled at the next election, however depending on how the Town Attorney interpreted it, it was two separate races, each person had to specify if they were running for the 3 year term or the 1 year term.

Town Attorney Ryan Knight spoke about an alternative language saying something like, in elections with partial terms on the ballot, the candidate or candidates receiving the largest number of votes shall each be elected to the higher of the terms that are up for election.

The Board continued to discuss the options for language changes for this Section.

The Board agreed to have the Town Attorney come up with the language to amend Section 2.09 Commissioner-at-Large and start the section with Commissioner-at-Large Candidate.

No amendments to Section 2.10 Assignment of Department Responsibilities.

No amendments to Section 2.11 Commission Meeting - 37:00

Member Charles Leps Jr said at the end where it says, shall be open to the public where required, he doesn't know it that is ever specified.

Town Attorney Ryan Knight said it is addressed in the Florida Statutes what to do for a shade meeting.

Member Jessica Martinez asked if meetings are ever set in less than 24 hours, and if so, does the public complain?

Chairman James Simmons says they will call emergency meetings for things like hurricanes at the last minute and no one complains because it is not normal business.

Section 2.12 Legislative Procedure

Member Charles Leps Jr asked what is the purpose of the clause there, but a smaller number may adjourn from day to day.

Town Attorney Ryan Knight explained that in a situation where all 5 members are not present, there might not be 3 votes to adjourn.

The Board agreed to change the first sentence of Section 2.12 Legislative Procedure to a smaller number may vote to adjourn.

No amendments to Section 2.13 Ordinances and Resolutions - 46:30

Member Charles Leps Jr asked for clarification about the last part of the first paragraph.

Chairman James Simmons said that it means the Town Attorney does not have to read the whole ordinance for the second reading, he just has to read the preamble.

Town Attorney Ryan Knight said under Florida Statute, the whole ordinance does not have to be read for the first or second reading.

Chairman James Simmons noticed the title is what must be read at the second reading and the preamble can be read at the first.

No amendments to Section 2.14 Ordinances by Referendum Vote

Town Attorney Ryan Knight said this does not conflict with state law or the code section that references it. Said any land development issues would have to go through its own separate procedures.

No amendments to Section 2.15 Emergency Ordinances - 53:00

Member Jessica Martinez asked for an example of that.

Chairman James Simmons said an example would be a curfew during a hurricane.

No amendments to Section 2.16 Public Notice

No amendments to Section 2.17 Commission Attendance at Meetings

Chairman James Simmons said 2.17 was repealed and said he did not have the history on it.

Town Attorney Ryan Knight said sometimes in other city Charters, it will state something to the effect of, if a Commissioner misses a certain number of consecutive meetings, the Commission can vote to say they are absent and remove them and there would be a vacancy.

Section 3.01 Powers and Duties of the Town Commission

Member Charles Leps Jr asked what suspend is referring to in subparagraph a where it says suspend or remove.

Chairman James Simmons said you can suspend with or without pay in most jobs and this gives that authority.

Town Clerk Amber Brown asked if that section needs to be amended to remove Town Clerk.

Chairman James Simmons said the Town Clerk is now under the Town Manager instead of the Mayor/Commission, so it should be removed. Spoke about some of the positives of it being set up this way.

Vice Chairman Bruce Larson made an argument that it is stronger to tie the role of Town Clerk to the Commission. Also, spoke about the Town Clerk's engagement with elections, that they would need to have the ability to suspend from the Commission.

Town Attorney Ryan Knight said there would be a separate mechanism if the Town Clerk was not doing her job as far as elections go, it would fall on the Town Manager to take action and if that did not happen the Commission would suspend or get rid of the Town Manager.

The Board agreed to change Section 3.01(a) by removing the Town Clerk.

Vice Chairman Bruce Larson said there is value in the Town Clerk, who supports the Commission, being able to be hired and fired by them. Asked the Town Clerk for her opinion.

Town Clerk Amber Brown said she has not had any issues the way it is now. She said other municipalities have voiced issues with there being multiple bosses because the Commission cannot discuss things unless they are in a meeting, so day to day items can take longer. - 1:11:36

No amendments to Section 3.02 Administrative Units of Town Government

Vice Chairman Bruce Larson received confirmation that this referred to the Building Department and Public Works, it essentially is the same as departments.

Member Charles Leps Jr brought up Section 3.03 Office of the Town Manager, noticed missing from this there is no equivalent statement that says the salary of the Town Manager shall be fixed by the Commission (like it says with the Town Clerk.)

The Board discussed several small language and punctuation changes to this section.

The Board agreed to change Section 3.03 Office of the Town Manager to include the salary of the Town Manager shall be fixed by the Commission.

The Board agreed to change Section 3.03 to remove Office of the Town Clerk in (a).

Chairman James Simmons said for (b) for purposes of inquiries and investigations, have had past Commissioners that used that phrase to harass Town Staff and asked the Town Attorney if that language could be tightened up to avoid that.

Town Attorney Ryan Knight said this is common in Town Charters, but said he could revamp the whole clause. He pulled up an example from another city and said to create a separate section that defines investigations.

The Board discussed different language options they could use for this section.

Chairman James Simmons suggested saying the Town Commission by majority vote may direct Town Manager or Town Staff to support inquiries and investigations. - 1:42:15

Town Attorney Ryan Knight said another way of saying that would be, the Town Commission or its members shall not interfere with the performance of the duties of any officer or employee.

Chairman James Simmons said to take off the first clause, add a sentence, the Town Commission may direct by majority vote the Town Manager or Town Staff to support inquiries and/or investigations.

Vice Chairman Bruce Larson said there are two topics covered in this paragraph to which Chairman James Simmons disagreed, saying it is all dealing with interfering with Town Staff.

The Board discussed the delicate balance between trying not to take a Commissioners ability to act independently and do their own research away, but still putting wording in place that stops them from abusing that power.

Member Kathy Ivers-Osthus said the Town Clerk can always refuse a request. -1:56:08

Vice Chair Bruce Larson said it would technically be breaking the rule just by asking a request which he believes is too strict.

Town Attorney Ryan Knight spoke about putting together interference clauses from other Charters for the next meeting and could email them to the Board members in advance.

The Board agreed to have the Town Attorney provide language to amend Section 3.03 (b).

Chairman James Simmons said they will pick up at the Office of the Town Manager at the next meeting on March 10th.

6. Adjournment


Member Kathy Ivers-Osthus made a motion to adjourn; Vice Chairman Bruce Larson seconded; Motion carried 5-0.

Meeting adjourned at 8:02 pm.



 James Simmons
 Chairman

ATTEST:



 Rachel Pembroke (Apr 8, 2025 10:12 EDT)
 Rachel Pembroke
 Transcriptionist

Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, MARCH 24, 2025, 6:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. **Call to Order**

Town Attorney Ryan Knight called the meeting to order at 6:00 p.m.

2. **Roll Call with Determination of Quorum**

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson – Arrived at 6:05 pm
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members Present

Town Attorney Ryan Knight
Deputy Clerk Cyd Cardwell
Town Clerk Amber Brown

3. **Approval of minutes**

A. February 10, 2025 minutes - 1:45

Member Charles Leps Jr made a motion to approve both sets of minutes; Member Kathy Ivers-Osthus seconded; Motion carried 5-0.

B. February 18, 2025 minutes

February 18, 2025 minutes were approved under Item A.

4. **Public Comment**

None

5. **New Business**

A. Charter review starting at Section 3.03 Office of the Town Manager – 2:25

Section 3.03 Office of the Town Manager

Chairman James Simmons spoke about how they talked about 3.03A with one change being that the Town Manager's salary shall be set by the Town Commission.

Reviewed a memorandum from the Town Attorney outlining how other similar municipalities make requests of Town Staff.

Town Attorney Ryan Knight said if someone had a question for anyone under supervision of the Town Manager, you would send an email to the Town Manager requesting that information. Prohibits the Commission members from talking to employees.

Vice Chairman Bruce Larson arrived at 6:05 PM.

Chairman James Simmons spoke about the loophole of using an investigation and suggested a time limit for requests made directly to staff; anything over 15 minutes would need to be directed through the Town Manager.

Member Charles Leps Jr went through each municipality listed on the memorandum and described the level of separation between staff and elected officials that each one provides. He and Chairman James Simmons agreed the most intermediary one was Ponce Inlet. - 10:15

Chairman James Simmons suggested a version that does not include the wording except for the purposes of inquiries or investigations. And to add a sentence that says the Town Commission may direct by majority vote the Town Manager or Town Staff to support inquiries or investigations. Pointed out that this would only affect clerical requests such as document printing that are sometimes sent directly to staff.

Member Kathy Ivers-Osthus described the Town Manager being in a position to decide who is the best staff member to execute a request from an elected official, rather than letting the official choose who to ask.

Town Attorney Ryan Knight expanded on her explanation. He then said what you are trying to prevent is individual Commission members from emailing someone like Code Enforcement directly to get information on something.

Chairman James Simmons said there should be some compromise that doesn't totally force all requests to go through the Town Manager only.

Vice Chair Bruce Larson spoke about the importance of the Commission being able to get the information they need. Even if that can be abused, you cannot lock them out. Suggested having the language say the Commission shall not direct or order any staff, investigations should go through the Town Commission, except for inquiries as long as they do not interfere with the duties and responsibilities of the staff.

The Board agreed to the following language for Section 3.03(b):

~~(b) Except for the purpose of inquiries and investigations, the Town Commission or its members shall not give orders or directions to any officer or employee of the Town who is under the direction and supervision of the Town Manager, and shall deal with such officers and employees only through the Town Manager.~~ The Town Commission or its members shall not give directions to or interfere with any officer or employee of the Town who is under the direction and supervision of the Town Manager. The Town Commission may direct by a majority vote the Town Manager or Town Staff to support inquiries and/or investigations.

Vice Chairman Bruce Larson made a motion to approve paragraph 3.03 as revised, Office of the Town Manager; Member Jessica Martinez seconded; Motion carried 5-0.

Section 2.04 Vacancies on the Commission

Chairman James Simmons spoke about Section 2.04 paragraph 3 which says, among the successful candidates, those receiving the largest number of votes shall be declared elected for the longest terms.

The Board discussed having candidates run for specific term lengths or having them run together, and those with the most votes get the longest terms.

Member Charles Leps Jr expressed his concern about voters not knowing or understanding that there would be different length terms that they are running for or that they could possibly have to vote twice.

The Board agreed that rank choice would be easier, where the candidates with the largest number of votes receive the longest term. They discussed language surrounding this topic, wanting to make sure it applies to both general and special elections.

Town Attorney Ryan Knight said the other section this would apply to is 2.09.

Town Clerk Amber Brown said Section 2.04 was discussed and agreed upon at the last meeting. - 55:38

Section 2.09 Commissioner-at-Large

The Board agreed to amend the language in Section 2.09 to Commissioners-at-Large shall qualify and run for open seats. Add the language among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

~~A total of four (4) Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.~~

Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

Member Charles Leps Jr said Section 2.02 lists the specifics, says there are 5 members, the Mayor and 4 Commissioners-at-Large so there is no need to specify that there are 4 Commissioners anywhere else.

Section 3.04 Office of the Town Clerk - 1:01:42

Town Clerk Amber Brown spoke about some potential problems with the language about the Town Clerk salary and the sole purpose of the role being to serve the Commission since the Town Clerk reports to the Town Manager now. - 1:07:45

The Board agreed to strike to serve the Commission and the salary of the Town Clerk shall be fixed by the Commission.

This office shall be headed by a Town Clerk hired by the Town Manager ~~to serve the Commission. The salary of the Town Clerk shall be fixed by the Commission...~~

Section 3.05 Office of the Town Attorney

Member Charles Leps Jr pointed out that it says the Town Attorney's salary is fixed by the Commission which is not true. - 1:02:50

Town Attorney Ryan Knight said that would cover the situation of an in-house attorney and suggested saying the salary or contract.

Chairman James Simmons said there are no Town courts anymore and confirmed with the Town Attorney that it should be removed.

Town Attorney Ryan Knight confirmed he is comfortable with the language in this section about the federal district court.

The Board agreed to amend Section 3.05 to amend the second sentence to the salary and/or contract of the Town Attorney shall be fixed and approved by the Commission. Remove the prosecutor in the Town court.

This office shall be held by an attorney, appointed by the Commission. The salary and/or contract of the Town Attorney shall be fixed and approved by the Commission. The Town Attorney shall be legal advisor and attorney to the officers of the Town in matters affecting the Town or relating to their official duties; prosecute and defend in behalf of the Town all civil actions in which the Town is a party; prepare and endorse written instruments in which the Town is concerned; ~~be prosecutor in the Town court~~; and perform other duties as the Commission may require or as may be prescribed by general state law, consistent with this Charter and with ordinances or resolutions of the Commission...

Section 3.06 Police Department – No Changes

Section 3.06A Law Enforcement and Police Protection – No Changes

Town Attorney Ryan Knight spoke about referendums being required and that having to do with the language regarding any arrangement entered into that would materially change. Does not believe the wording here needs to be changed.

Section 3.10 Independent Audits – No Changes

Chairman James Simmons clarified that the Town hires auditors by contract and said it goes out for bid. Said the audits are available to the public.

Section 3.11 Code of Ethics - 1:18:06

The Board discussed receiving gifts, tangible and intangible, and the Town Attorney said it cannot surpass a \$100 value. They spoke about adding language about staff or elected officials having a conflict of interest and disclosing it.

Town Attorney Ryan Knight spoke about how you cannot prohibit anyone from using their right to sue the Town.

Chairman James Simmons spoke about not prohibiting anything, but adding it as an ethical violation to open up the grounds of a recall.

Town Attorney Ryan Knight spoke about how the State Statute only provides 7 grounds for recall. - 1:32:52

3.11(d) and (e) for the next meeting, the Town Attorney will provide information on Conflicts of Interest and Code of Ethics and Malfeasance and Misfeasance.

Section 3.12 Advisory Boards - 1:37:45

Member Charles Leps Jr said electors are mentioned 6 times and registered is only used once.

The Board agreed to amend 3.12 Advisory Board by removing the word registered.

The Commission may establish advisory boards to make recommendations concerning economic development, recreation, parks, playgrounds, and their facilities and activities as well as planning and zoning and such other municipal functions as the Commission deems advisable. Such boards shall be composed of a representative membership of ~~registered~~ electors of the Town.

Section 5.01 Electors - No Changes

Section 5.02 Election Ordinances - No Changes

Section 5.03 Time and Manner of Elections

Town Attorney Ryan Knight mentioned where it says regular Town elections, usually the words used would be general and special so regular is inconsistent.

The Board agreed to remove the first word regular from Section 5.03.

~~Regular~~ Town elections shall be held on the first Tuesday after the first Monday in November each year. The candidate receiving the highest number of votes on the votes cast in the election shall be declared elected. When more than one vacancy for a Commission seat at large exists, that number of candidates receiving the most votes shall be elected.

Section 5.04 Disclosure of Expenses - No Changes

Member Jessica Martinez spoke about scheduling conflicts in May, and the Board settled on meeting every Monday.

Section 2.03 Term of Office

Vice Chairman Bruce Larson spoke about Section 2.03 Term of Office and cleaning up the language. Proposed adding language where you can only be in office for 7 out of 10 years.

B. Discussion on adding additional meeting dates

Next meeting will be on March 31st at 6:00 or 7:00 pm depending on if there is a Special Town Commission Meeting at 6:00 pm.


6. Adjournment

Member Kathy Ivers-Osthus made a motion to adjourn; Member Jessica Martinez seconded; Motion carried 5-0.

Meeting adjourned at 7:51 pm.

ATTEST:


James Simmons
Chairman


Rachel Pembrook (Apr 25, 2025 18:46 EDT)
Rachel Pembrook
Transcriptionist



Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, MARCH 31, 2025, 7:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. Call to Order

Town Attorney Ryan Knight called the meeting to order at 7:14 p.m.

2. Roll Call with Determination of Quorum

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

3. Approval of minutes

A. March 24, 2025 minutes

March 24, 2025 minutes were tabled until the next meeting.

4. Public Comment

None

5. New Business

A. Charter review starting at Article VI Initiative, Referendum, Recall

Section 3.11 Code of Ethics

Chairman James Simmons spoke about a couple of outstanding items which are changing the hes and hims throughout the document and Section 3.11(d) on page 17.

Town Attorney Ryan Knight said he was still working on changing some he's and him's. Recommends getting rid of the word valuable because it is open to interpretation. Said you would not need to reference the Florida Statute because it is encompassed in Subsection I.

The Board agreed to amend Section 3.11 Code of Ethics (d) to replace the word valuable with unacceptable, and replace the word thing with item whether tangible or intangible.

(d) Accept any ~~valuable~~ unacceptable gift as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, whether in the form of service, loan, ~~thing~~ item, whether tangible or intangible, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

Article VI Initiative, Referendum, Recall Section 6.01, 6.02, 6.03, 6.04, 6.05 – No changes

Section 6.06 Rezoning Approval – No changes

Chairman James Simmons asked if the State preempted Section 6.06 Rezoning Approval. - 9:50

Town Attorney Ryan Knight said that in 2023 DeSantis signed Senate Bill 718 which inserted a provision saying you cannot do that. Said you can keep that section in there, but it is prohibited by Florida Law.

The Board agreed to leave it as is.

Section 6.07 Height Limits - No changes

Article 7 Bonds – No changes

Article 8 Section 8.01 Fiscal Year and 8.02 Preparation of Budget – No changes

Section 8.03 Public Hearing on the Budget and 8.04 Adoption of the Budget – No changes

Vice Chairman Bruce Larson asked if there was any history on Section 8.03 Public Hearings, to which no one had any information.

Section 8.05 Effect of Final Budget and Effective Date – No changes

Vice Chairman Bruce Larson asked about Section 8.05 and the specific timeline for the budget.

Chairman James Simmons said they have to establish the proposed millage, send it in and then do a final millage vote at the final budget.

Town Clerk Amber Brown said the timeline is set by the state.

Section 8.06 Tax Authority and 8.07 Tax Assessment and Collection – No changes

Member Charles Leps Jr asked about Section 8.06 and the term privileges.

Town Attorney Ryan Knight said it could refer to the privilege to do business in Town.

Section 8.08 Special Assessments – No changes

Vice Chairman Bruce Larson spoke about Section 8.08 Special Assessments and asked if it was part of the budget process.

Town Attorney Ryan Knight gave an example where an area has septic tanks that residents have to connect to, they allocate \$2,500 as a cost for that. The special assessment would be \$2,500 for each property.

Member Jessica Martinez asked about Section 8.08. What happens if someone concretes their whole property without a permit, and now all the water is displaced on the neighbors, and what can be done? - 20:30

Chairman James Simmons spoke about how any concrete, pavers, pool, or buildings need a permit, so it would be handled during the permitting process. If they do not get a permit, prior to the work being completed, contact the Building Department.

Town Attorney Ryan Knight spoke about building without a permit could go through the Code Enforcement process and Special Magistrate.

Section 8.09 Public Monies – No changes

Section 8.10 Franchises – No changes

Section 9.01 Actions Against the Town - No changes

Chairman James Simmons asked about Section 9.01 Actions Against the Town, what the courts decide and about giving the Town written notice.

Town Attorney Ryan Knight said this clarified that you cannot just sue the Town for no reason.

Section 9.02 Extension of Territorial Limits – No changes

Town Attorney Ryan Knight spoke about how there is Florida Statute that governs annexation, and the specific procedures to do that.

Section 9.03 Planning and Zoning Board – No changes

Section 9.04 Board of Adjustment – No changes

Chairman James Simmons clarified that the decisions made by the Board of Adjustment are final, they do not have to go to the Town Commission.

Section 9.05 Charter Amendments and Revisions – No changes

Section 9.06 Conflicting Laws – No changes

Town Attorney Ryan Knight explained that this is a catch all statement saying if there is a conflict in an ordinance, then the Charter would govern and the ordinance would be appealed.

Section 9.07 Severability – No changes

Section 9.08 Effective Date – No changes

Chairman James Simmons asked if anyone had any sections they would like to revisit. - 31:30

Section 3.11 Code of Ethics

Member Jessica Martinez spoke about Section 3.11 Code of Ethics (e) is there a way to add malfeasance and misfeasance. Wants to make it more clear.

Town Attorney Ryan Knight spoke about the Code of Ethics Section is typically broad in order to cover all code of ethics violations. Just because malfeasance and misfeasance is not in this particular section does not mean it does not apply.

Member Charles Leps Jr said that this section does not necessarily have any teeth such as removal from office.

Town Attorney Ryan Knight spoke about Section (i) Code of Ethics for Public Officers, if you violated this section, it could lead to an investigation being opened.

Member Jessica Martinez asked what the Board thinks about adding State Statute 112.313(6) verbiage to the Charter. Residents lose faith and trust in the Town Government when someone is part of the Commission and is also suing the Town.

Chairman James Simmons proposed adding a subparagraph to 3.11 Code of Ethics (e) use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with

104.31. Then add another subparagraph for nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

Vice Chairman Bruce Larson spoke about the Code of Ethics is already included in the Charter.

Member Charles Leps Jr said this has stood for 50 years and would not want to modify it based on a current situation. - 45:42

Member Jessica Martinez spoke about how people are not going to go to the Florida Statute to read it, but if it is referenced in the Charter, it will be easy to find. Could the Statutes be cited?

Town Attorney Ryan Knight spoke about referencing Chapter 12 Part 3 of the Florida Statute.

Chairman James Simmons spoke about changing language to say, against the Town of Melbourne Beach and stop there, which brought up the issue of people recusing themselves.

Town Attorney Ryan Knight said you cannot prohibit someone from suing the Town.

Member Jessica Martinez verified there is no way to stop someone from running for office who is suing the town.

Chairman James Simmons spoke about adding a reference in the Charter to the State Statute.

Town Attorney Ryan Knight spoke about adding references to the applicable State Statutes.

The Board agreed to add the applicable State Statutes to the Code of Ethics section of the Charter.

(i) Violate the Code of Ethics for Public Officers and Employees as provided for in Sections 112.311 through 112.3261, as may be amended or the Florida Election Code , as set forth in Florida Statutes, and implementing rules thereof, and if a Town officer or employee has been found to have violated the Code of Ethics for Public Officers and Employees by the Florida Commission on Ethics or the Florida Election Code by the Florida Elections Commission, or implementing rules thereof, he or she may be censured by the Town Commission.

Chairman James Simmons asked if anyone had anything else for the Town Attorney. - 58:22

Town Attorney Ryan Knight said at the next meeting he would go through all of the changes again and rank them, then do a rough draft report.

Member Charles Leps Jr asked if it would be beneficial to get the red lines over to the Town Commission first.

Town Attorney Ryan Knight spoke about how the report goes to the Town Commission when it is complete and will include the language for the ballot.

The Board will meet next week to go over the proposed changes and narrow it down.

Member Charles Leps Jr asked about how many questions typically go on the ballot.

Town Attorney Ryan Knight said typically there are 4-5.


Member Charles Leps Jr verified that you cannot combine different sections together.

6. Adjournment

Member Charles Leps Jr made a motion to adjourn; Member Kathy Ivers-Osthus seconded; Motion carried 5-0.

Meeting adjourned at 8:20 pm.

ATTEST:



 James Simmons
 Chairman



 Rachel Pembroke (Apr 25, 2025 18:45 EDT)
 Rachel Pembroke
 Transcriptionist



Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, APRIL 14, 2025, 6:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. Call to Order

Town Attorney Ryan Knight called the meeting to order at 6:00 p.m.

2. Roll Call with Determination of Quorum

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

Board Members Absent

Member Jessica Martinez

3. Approval of minutes

A. March 24, 2025 minutes

B. March 31, 2025 minutes

Vice Chairman Bruce Larson made a motion to table both minutes; Member Charles Leps Jr seconded; Motion carried 4-0.

4. Public Comment

None

5. **New Business**

A. Review and rank the proposed changes to the Charter. - 2:15

Member Charles Leps Jr said the end of Section 2.02 still shows he and his.

Chairman James Simmons spoke about 4 items that were discussed, but do not have ballot summaries. In 2.12, did not change the quorum to adjourn. 3.01 and 3.04 had changes about the clerk reporting to the Commission. In 3.05, there was a change regarding the Town Attorney.

Town Attorney Ryan Knight spoke about 2 additional items, 3.12 and 5.03, and how there needs to be the removal of a few words. Said those will be included in the next meeting.

Sections 1.01, 1.02, 1.03, 1.04, 1.05, 1.06 - No changes

Sections 2.01 - No changes

Section 2.02 Compositions and Qualifications

Member Charles Leps Jr addressed the he/his issue in Section 2.02.

Sections 2.03, 2.04, 2.05, 2.06 - No changes

Section 2.07 Mayor and Section 2.08 Vice-Mayor

Member Charles Leps Jr said there were 3 he's in Section 2.07 and 1 in 2.08.

Sections 2.09, 2.10, 2.11, 2.12, 2.13, 2.14, 2.15, 2.16, 2.17 - No changes

Sections 3.01, 3.02 - No changes

Section 3.03 Office of the Town Manager

Member Charles Leps Jr said the problem is not in 3.03, it is in the ballot language. Said it should be except the office of Town Clerk and Town Attorney. Office is new text, it's replacing offices.

Town Attorney Ryan Knight said the strikethrough is in the current Charter, so it should not be there, which is why it was not included in the ballot language.

Section 3.04 Office of the Town Clerk

Member Charles Leps Jr said Section 3.04 has no ballot language associated with it. Could we combine it with 3.03?

Town Attorney Ryan Knight said that because it is a separate section, it would need a separate ballot question.

Section 3.05 Office of the Town Attorney

Member Charles Leps Jr said the last sentence in Section 3.05 has a his.

Section 3.06 – No changes

Sections 3.07, 3.08, 3.09 – Are blank

Section 3.10 - No changes

Section 3.11 Code of Ethics

Member Charles Leps Jr said there are a lot of he's and hims in Section 3.11.

Section 3.12 Advisory Boards

Member Charles Leps Jr spoke about this being his recommendation and does not feel this needs to proceed as there are many other important ones.

Sections 5.01, 5.02- No changes

Section 5.03 Time and Manner of Elections

Member Charles Leps Jr spoke about wanting to leave the word regular, which would mean Section 5.03 would not need to be changed.

Section 5.04 – No changes

Sections 6.01, 6.02, 6.03, 6.04, 6.05, 6.06 – No changes

Section 7.01 – No changes

Sections 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10 - No changes

Sections 9.01, 9.02, 9.03, 9.04, 9.05, 9.06, 9.07, 9.08 - No changes

Chairman James Simmons says there are 2 changes that talk about registered electors and regular elections. - 15:42

Town Attorney Ryan Knight spoke about how the Board can recommend as many as they want, and then the Commission can decide how many to proceed with.

The Board discussed that there are 11 proposed amendments.

Chairman James Simmons suggested ranking them based on the items that have caused the Town problems.

Vice Chairman Bruce Larson suggested creating two categories, one for priorities and one that are less of a priority.

The Board agreed to the following high priorities and low priorities.

High Priority

Section 2.03 Term of Office

Section 2.04 Vacancies on the Commission

Section 2.09 Commissioner-at-Large

Section 3.01 Powers and Duties of the Town Commission

Section 3.03 Office of the Town Manager

Section 3.04 Office of the Town Clerk

Low Priority

He or She and His or Her

Section 2.02 Composition and Qualifications

Section 2.12 Legislative Procedure

Section 3.05 Office of the Town Attorney

Section 3.11 Code of Ethics

Town Attorney Ryan Knight spoke about adding the word candidate at the beginning of Section 2.09. - 25:15

The Board agreed to add "candidates for" at the beginning of Section 2.09 Commissioner-at-Large.

Sec. 2.09. COMMISSIONER-AT-LARGE.

Candidates for A total of four (4) Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.

Town Attorney Ryan Knight spoke about how if the Commission decides not to do he/she throughout, another option is in each Section that is being updated to include he/she.

Vice Chair Bruce Larson said while the he/she item is low priority, it should still be included in the language of any section we are changing because that's not an additional ballot item.

The Board discussed the prior meeting's minutes.

Town Attorney Ryan Knight showed an example for the City of Mount Dora, and said at the next meeting, they will have a report similar to that. It will include a table of contents, the

A. Review the revised report that will be presented to the Town Commission on Monday May 5th

Chairman James Simmons went through the revisions made since the last meeting. Under Introduction, where it says the following amendments were assigned a lower priority as they do not impact Town operations, and concern about the amount of ballot proposals. Suggested adding the words due to before concern about the amount of ballot proposals.

Member Charles Leps Jr suggested starting a new sentence after operations. To add additionally, the committee was also concerned about the amount of ballot proposals. The Board agreed.

Chairman James Simmons suggested making a page break, so the whole last paragraph in the introduction goes to the last page.

Chairman James Simmons said in Section 3.01, says this charter amendment will remove the Town Commission's authority to appoint, suspend, or remove the Town Clerk. Suggests adding, this amendment is required in order to be consistent with charter amendments adopted on 11/17/2017, which moved the Town Clerk organizationally from the Town Commission to the Town Manager. This is just to make it clear that this change is to be consistent.

Chairman James Simmons said for 3.05, suggests a page breakdown before D, financial analysis, because the text is on the next page. For 3.04, spoke about adding the same sentence he added for 3.01 about the Town Clerk. The Board agreed.

Town Attorney Ryan Knight spoke about increasing the font size for the matrix, but it might stop it from fitting on one page. The Board said they were fine with the font size the way it is.

Town Attorney Ryan Knight suggested that before the workshop, there could be a brief meeting to approve the minutes. Suggested one language change to the first page, where it says draft final report, to remove the word draft.

The Board agreed to meet 5 minutes before the workshop to approve the minutes.


Member Charles Leps Jr made a motion to approve the report as revised; Member Jessica Martinez seconded; Motion carried 3-0.

6. Adjournment


Member Jessica Martinez made a motion to adjourn; Member Charles Leps Jr seconded; Motion carried 3-0.

Meeting adjourned at 6:28 pm.

ATTEST:



James Simmons
Chairman



Rachel Pembrook (May 3, 2025 14:32 EDT)
Rachel Pembrook
Transcriptionist

Town of Melbourne Beach

CHARTER REVIEW COMMITTEE WEDNESDAY, APRIL 23, 2025, 7:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

DRAFT MINUTES

Board Members:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. **Call to Order**

Chairman James Simmons called the meeting to order at 7:00 p.m.

2. **Roll Call with Determination of Quorum**

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Vice Chairman Bruce Larson - Late
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members Present

Town Attorney Ryan Knight
Town Clerk Amber Brown

3. **Approval of minutes**

- A. March 24, 2025 minutes
- B. March 31, 2025 minutes
- C. April 14, 2025 minutes

Member Jessica Martinez made a motion to approve the three sets of minutes; Member Charles Leps Jr seconded; Motion carried 4-0.

4. **Public Comment**

None

5. **New Business**

A. Review the report that will be presented to the Town Commission

Town Attorney Ryan Knight sent the Board the draft of the final report. Said this is their report, this is language he put in there, but they are welcome to change it. There were some changes to the ballot proposal, those were made because it had to be less than 15 words. Changes can be made tonight. Said there is a separate ballot proposal for the he/she language, if it is not being applied to the document as a whole, would the Board want it included in the individual sections?

Chairman James Simmons said they decided last week that if they are making changes to a section anyway, update the language for he/him.

First Page: Town of Melbourne Beach 2025 Charter Review Committee Draft Final Report

Chairman James Simmons said he would like to change his name from Jim to James. Also said that where it reads prohibiting Commission members from interference except through the Town Manager, would like to add words that say unless authorized by a majority of the Commission.

Member Kathy Ivers-Osthus said she would like to change Kathy to Kathryn.

Vice Chairman Bruce Larson came in at 7:05 pm.

Table of Contents - 6:50

Member Charles Leps Jr said on Amendment 1, change hers to her.

Cover Letter -7:16

Chairman James Simmons said to change Jim to James and Kathy to Kathryn.

Vice Chairman Bruce Larson said for the cover letter add the amendment number for the paragraph describing the amendment.

Chairman James Simmons and Member Kathy Ivers-Osthus said they did not think that was necessary.

Vice Chairman Bruce Laron spoke about moving on.

Chairman James Simmons said to change the names in the signature blocks on page 1, and Member Charles Leps Jr pointed it out on page 2 as well.

Chairman James Simmons said the Cover Letter does not include Sections 3.03, 3.04, 3.05.

Town Attorney Ryan Knight spoke about how the Cover Letter is an overview and does not need to include everything, to which the Board agreed. Section II lays out the high and low priority amendments.

Chairman James Simmons said to change the type of meeting from a special meeting to a workshop.

Introduction page - 14:55

Member Charles Leps Jr said to change Jim to James and Kathy to Kathryn.

Chairman James Simmons suggested adding an explanation why some items are considered a low priority, and Member Jessica Martinez agreed.

Member Charles Leps Jr spoke about using language that if there are too many ballot items.

Town Clerk Amber Brown said there would be a cost depending on how many pages it is.

Chairman James Simmons gave some examples for explaining why the items are lower priority, such as the Code of Ethics (covered by State law). Asked if they could group the high-priority items together and the low-priority items together, rather than have them in numerical order.

The Board agreed to group the high-priority items together and low-priority items separately.

Town Attorney Ryan Knight asked what language the Board would like to add to the Cover Letter to explain why the items were listed as low-priority.

The Board agreed to add the language – The following amendments were assigned a lower priority as they do not impact Town operations, and the concern about the amount of ballot proposals.

Recommended Amendments Section III - 24:28

Proposed Amendment 1 – Recognition of Both Genders

Member Jessica Martinez asked about the financial analysis and impact section.

Town Attorney Ryan Knight said for most of these, there will be no budgetary impact.

Chairman James Simmons asked about the table of contents being updated with the first high-priority number and adding the amendment number to the proposed amendment page.

Member Charles Leps Jr spoke about how right now the amendment order is very clearly laid out by the first one being global, and then by number, and the amendment number might change when it goes to the Commission anyway. Proposed keeping the order, but at the top of each page, add high-priority or low-priority.

The Board agreed to keep the order the same, but add high-priority or low-priority to the top of each page.

Section 2.02, Section 2.03, Section 2.04, Section 2.09, Section 2.12, Section 3.01, Section 3.03, Section 3.04, Section 3.05, and Section 3.11 – No changes

Matrix - 30:56

Vice Chairman Bruce Larson spoke about adding a column for high-priority or low-priority.

General Questions/Info - 31:45

Member Jessica Martinez asked if there is a financial impact, when will that be addressed?

Town Attorney Ryan Knight spoke about how prior to writing the ordinance, it would be presented to the Commission.

Chairman James Simmons asked if the cost impact needs to be on the ballot.

Town Attorney Ryan Knight said it would be included, but he does not believe there will be a financial impact. Said he would verify that with finance to be 100% sure. Suggested to the Board that he could make the changes, send them out, and then have one last meeting.

Chairman James Simmons said they could each review the changes online and give feedback to him so he would not have to make a trip.

Town Attorney Ryan Knight said they could pick a day he would already be in Town, and the Board could have a quick 20-minute meeting to discuss the revisions. Any members not present can email him their changes/suggestions, and he can go over those at the meeting.

The Board tentatively scheduled a meeting for 4/30/2025 at 6:00 pm to approve the report.

Chairman James Simmons asked about setting up a workshop with the Commission.

Town Clerk Amber Brown said she would reach out to the Commission to see if/when they would be interested in setting up a workshop.

6. Adjournment


Vice Chairman Bruce Larson made a motion to adjourn; Member Kathy Ivers-Osthus seconded; Motion carried 5-0.

Meeting adjourned at 7:39 pm.



James Simmons
Chairman

ATTEST:



Rachel Pembrook
Transcriptionist

Town of Melbourne Beach

CHARTER REVIEW COMMITTEE MONDAY, APRIL 28, 2025, 6:00 P.M. COMMUNITY CENTER – 509 OCEAN AVENUE

DRAFT MINUTES

Board Members Present:

Chairman James Simmons
Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus
Member Charles Leps Jr
Member Jessica Martinez

Staff Members:

Town Manager Elizabeth Mascaro
Town Clerk Amber Brown
Town Attorney Ryan Knight

1. **Call to Order**

Chairman James Simmons called the meeting to order at 6:13 p.m.

2. **Roll Call with Determination of Quorum**

Town Clerk Amber Brown conducted roll call

Board Members Present

Chairman James Simmons
Member Charles Leps Jr
Member Jessica Martinez

Staff Members Present

Town Attorney Ryan Knight – Via Zoom
Town Clerk Amber Brown

Board Members Absent

Vice Chairman Bruce Larson
Member Kathy Ivers-Osthus

3. **Approval of minutes**

A. April 23, 2025 minutes

Tabled

4. **Public Comment**

None

5. **New Business**

A. Review the revised report that will be presented to the Town Commission on Monday May 5th

Chairman James Simmons went through the revisions made since the last meeting. Under Introduction, where it says the following amendments were assigned a lower priority as they do not impact Town operations, and concern about the amount of ballot proposals. Suggested adding the words due to before concern about the amount of ballot proposals.

Member Charles Leps Jr suggested starting a new sentence after operations. To add additionally, the committee was also concerned about the amount of ballot proposals. The Board agreed.

Chairman James Simmons suggested making a page break, so the whole last paragraph in the introduction goes to the last page.

Chairman James Simmons said in Section 3.01, says this charter amendment will remove the Town Commission's authority to appoint, suspend, or remove the Town Clerk. Suggests adding, this amendment is required in order to be consistent with charter amendments adopted on 11/17/2017, which moved the Town Clerk organizationally from the Town Commission to the Town Manager. This is just to make it clear that this change is to be consistent.

Chairman James Simmons said for 3.05, suggests a page breakdown before D, financial analysis, because the text is on the next page. For 3.04, spoke about adding the same sentence he added for 3.01 about the Town Clerk. The Board agreed.

Town Attorney Ryan Knight spoke about increasing the font size for the matrix, but it might stop it from fitting on one page. The Board said they were fine with the font size the way it is.

Town Attorney Ryan Knight suggested that before the workshop, there could be a brief meeting to approve the minutes. Suggested one language change to the first page, where it says draft final report, to remove the word draft.

The Board agreed to meet 5 minutes before the workshop to approve the minutes.

Member Charles Leps Jr made a motion to approve the report as revised; Member Jessica Martinez seconded; Motion carried 3-0.

6. Adjournment


Member Jessica Martinez made a motion to adjourn; Member Charles Leps Jr seconded; Motion carried 3-0.

Meeting adjourned at 6:28 pm.

ATTEST:



James Simmons
Chairman



Rachel Pembrook (May 3, 2025 14:32 EDT)
Rachel Pembrook
Transcriptionist

EXHIBIT B - MATRIX

Charter Section	Title and Ballot Question	Purpose	Proposed Language
General			
Low Priority He/She/His/Her	REPLACING "HE" AND "HIS" AND INCLUDING "HE OR SHE" OR "HIS AND HER" Amending the Charter by removing any references to "he" and "his" and replacing these terms with "he or she" or "his and her" throughout the Charter. The Charter amendment does not create any new rights, duties, obligations, or prohibitions.	This Charter amendment would replace "he" to "he or she" and "his" to "his or her" so as to recognize both genders when describing a Commission member and his or her office and the Town Officials and his or her position.	
Article II Town Commission			
Low Priority Section 2.02. Composition and Qualifications.	AMEND RESIDENCY REQUIREMENT AND PROVIDING FOR FORFEITURE OF OFFICE FOR MALFEASANCE OR MISFEASANCE Amending the Charter by increasing the residency requirement for Commission members and providing for forfeiture of office of a Commission members for mealfesance or misfeasance. This amendment will increase the residency requirement for Commission members fro six (6) months to twelve (12) months prior to the date of qualification for office.	This Charter amendment would amend the qualifications of the Commission to provide that any member serving on the Commission be a resident of the Town for at least twelve (12) months and providing that the office of a Commission member shall be forfeited for malfeasance or misfeasance. Additionally, this amendment removes "a crime involving moral turpitude" as a basis for forfeiture of office of a Commission member.	The Commission shall consist of five (5) members elected by the qualified voters of the Town as hereinafter provided. Members of the Town Commission shall have been residents of the Town for at least six (6) <u>twelve (12)</u> months prior to the date of qualification for office, and shall have the qualifications of a Town Elector. The Commission shall consist of five (5) Commissioners: The Mayor elected as such, and four (4) Commissioners-at-Large. The office of Commission member shall be forfeited whenever a member is finally convicted of a felony or a crime involving moral turpitude, malfeasance, or misfeasance . When a member files for election to or accepts any other elective public office, he or she shall submit his or her resignation. This resignation shall be effective when his or her former office is filled or when he or she accepts an elective office, whichever comes first. Any qualified elector of the Town who meets the foregoing qualifications may qualify for a Commission seat by presenting to the Town Clerk a petition signed by twenty-five (25) qualified Town electors, and by paying a filing fee, during the qualifying period as established from time to time in the town code of ordinances, and said elector shall submit concurrently therewith a sworn statement of his or her name, address, occupation, and willingness to serve if elected. Until otherwise provided by Town ordinance, the filing fee shall be ten dollars (\$10.00). The Commission shall be the judge of the qualifications of the candidates for election to the Commission, and for such purpose shall have the powers to subpoena witnesses and require the production of evidence, but the decision of the Commission in any such case shall be subject to review by the courts. Each person seeking to qualify for election to office as a write-in candidate shall certify under oath to the Town Clerk during the qualifying period as established from time to time in the town code of ordinances the following information: Name, address, that he possessed all of the qualifications required by law for the office, the name of the office he seeks, and that he will accept the office. Failure to qualify as a write-in candidate shall mean that any write-in votes cast for such person shall not be counted. At the time of certifying under oath the above information, a write-in candidate shall be considered a candidate except that he shall not be entitled to have his name printed on the ballot.
High Priority Section 2.03. Term of Office.	PROVIDE WHEN ELECTED COMMISSIONERS SHALL ASSUME OFFICE AND MINIMUM TERM LIMITATIONS Amending the Charter by providing an elected Commissioner shall assume office at the next regularly scheduled Commission meeting following an election and amending the time an elected official may not serve on the Commission due to term limitations from one (1) year to eleven (11) months).	This Charter amendment provides that an elected Commissioner shall take office at the beginning of the next regular Town Commission meeting following an election, decreases the time a Commissioner or Mayor is prohibited from serving on the Commission due to term limitations from one (1) year to eleven (11) months, and removes unnecessary language relating to the November 2, 2004 election.	(a) Elected Commissioners shall take office at the beginning of the next official <u>regular Town Commission</u> meeting following the municipal election at which they were elected. They shall hold office for a term of three (3) years, or until their successors are elected and <u>qualified certified by the Brevard County Supervisor of Elections</u> , unless: (1) The individual has been appointed or elected to fulfill the term of a Commissioner-at-Large who has been removed from office other than by means of recall, forfeited the office of Commissioner-at-Large, resigned, or the office has become vacant due to the death of a Commissioner-at-Large. In such event, a successor Commissioner-at-Large shall assume office in the manner set forth in Section 2.04. in this Charter. (2) The individual has been elected to fulfill the term of a Commissioner-at-Large who has been recalled from said office by the electorate. In such event a newly elected Commissioner-at-Large who is replacing a Commissioner-at-Large recalled from office shall serve a term equal in time to what would have otherwise been the time remaining in the term of the recalled Commissioner-at-Large's term; or (3) The individual is elected to fill a term otherwise consistent with this Charter. (b) Neither a commission member or the mayor may qualify for or serve more than two (2) complete consecutive terms and the portion of an unexpired term occurring by reason of a vacancy. Notwithstanding the foregoing, an elected city official, such as a commissioner, who has served the maximum time in office as permitted by this paragraph, may qualify for and be elected to serve in a different city elected office, such as mayor. Further, a commissioner or the mayor who has served the maximum amount of time permitted by this sub- section may again serve on the commission subject to the time and term limitations of this sub-section; provided, that the official has not served on the commission for at least one (1) year (three hundred sixty-five (365) days = one (1) year); eleven (11) months . Any city elected official who resigns within one (1) year (three hundred sixty-five (365) days = one (1) year) before the end of the second consecutive term of office shall be prohibited from qualifying as a candidate for a commission seat in the next regular city election. This paragraph shall be applicable to any commission member or the mayor who, subsequent to the election held on November 2, 2004, has served for two (2) complete consecutive terms and which terms have been served in full after November 2, 2004.

<p>***High Priority***</p> <p>Section 2.04. Vacancies on the Commission.</p>	<p>PROVIDE THE TIME PERIOD FOR A COMMISSIONER TO SERVE AS A RESULT OF AN APPOINTMENT DUE TO VACANCY</p> <p>Amending the Charter by specifying the time period for a Commissioner to serve as a result of an appointment due to vacancy. This amendment specifies that an appointed Commissioner shall serve until the next general municipal election for which the qualifying period has not begun at the time of the vacancy.</p>	<p>This Charter amendment provides that an appointed Commission member as a result of a vacancy shall serve until the next general election for which the qualifying period has not begun at the time of the vacancy.</p>	<p>A vacancy shall occur upon the death, resignation, removal from office (other than by recall) as authorized by law, or forfeiture of office of a Commission member. When such a vacancy occurs, other than that of Mayor, the remaining Commission members may select, by the affirmative vote of not less than a majority of the remaining membership, a person to fill the vacancy. Such an appointed person shall be a qualified elector in the Town, as specified in this Charter, and shall serve until the next general municipal election <u>for which the qualifying period has not begun at the time of the vacancy</u>, at which time a candidate will be elected to serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant.</p> <p>In the event the office of Mayor is vacated, the Vice-Mayor assumes the position until the next general municipal election, at which time a candidate will be elected to serve for the remainder of the Mayor's unexpired term, and a person is appointed or elected to fill the office of Commissioner-at-Large held by the Vice-Mayor, all in accordance with the criteria and procedures herein provided. Said individual succeeding to the position of Commissioner-at-Large, formerly held by the Vice-Mayor, shall hold office only until the next general municipal election.</p> <p>If the Commission shall fail to fill a vacancy on the Commission within thirty (30) days after it occurs, or whenever two (2) or more vacancies shall occur at the same time, the Mayor shall immediately call a special election to fill the vacancy or vacancies. Those elected at the special election will serve a term equal in time to what would have otherwise been the time remaining in the term of the Commissioner-at-Large whose office has become vacant. Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.</p> <p>In no event shall the Commission consist of more than two (2) commissioners serving on an appointive basis.</p>
<p>***High Priority***</p> <p>Section 2.09. Commissioner-at-Large.</p>	<p>PROVIDE THAT CANDIDATES RECEIVING LARGEST NUMBER OF VOTES ELECTED TO THE LONGEST TERMS</p> <p>Amending the Charter by providing that the candidates for Commissioners-at-Large that receive the largest number of votes shall be declared elected for the longest terms to be filled.</p>	<p>This Charter amendment removes language pertaining to the 1989 election and provides that the candidates receiving the largest number of votes shall be declared elected for the longest terms.</p>	<p>A total of four (4) Candidates for Commissioners-at-Large shall qualify and run for the four (4) open seats. At the November, 1989 election, the two candidates receiving the largest and second-largest number of votes shall each be elected to three (3) year terms, while the two candidates receiving the third and fourth largest number of votes shall each be elected to two (2) year terms.</p> <p><u>Among the successful candidates those receiving the largest number of votes shall be declared elected for the longest terms.</u></p>
<p>***Low Priority***</p> <p>Section 2.12. Legislative Procedure.</p>	<p>CLARIFY THE REQUIREMENT FOR COMMISSION TO VOTE TO ADJOURN</p> <p>Amending the Charter by providing that less than three (3) Commission members may vote to adjourn Commission meetings.</p>	<p>This Charter amendment would clarify the requirement for the Commission to vote to adjourn.</p>	<p>Three (3) members of the Commission shall constitute a quorum, but a smaller number may vote to adjourn from day to day. No action of the Commission, except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the Commission. The Commission shall determine its own rules and order of business and shall provide for the keeping of a journal of its proceedings. The journal shall be a public record and shall be open to public inspection. The Commission may prescribe for expulsion of disorderly persons from its meetings.</p>
Article III General Town Administration			
<p>***High Priority***</p> <p>Section 3.01. Powers and Duties of the Town Commission.</p>	<p>REMOVING THE TOWN COMMISSION'S AUTHORITY TO APPOINT, SUSPEND, OR REMOVE TOWN CLERK</p> <p>Amending the Charter by removing the Town Commission's authority to appoint, suspend, or remove the Town Clerk.</p>	<p>This Charter amendment would remove the Town Commission's authority to appoint, suspend, or remove the Town Clerk.</p>	<p>All powers of the Town shall be vested in an elected Commission, except as otherwise provided by this Charter or by law. The Town Commission shall be responsible to the citizens of Melbourne Beach for the proper functioning of all Town affairs and to that end, subject to the provisions of this Charter, shall have power and are required to:</p> <p>(a) Appoint, and when necessary for the good of the Town, suspend or remove, the Town Manager, Town Clerk or Town Attorney, or members of any board, commission or agency, who are appointed by the Town Commission.</p> <p>(b) Approve any additions or deletions of staff positions upon the recommendation of the Town Manager. Such recommendations of the Town Manager shall be made in conjunction with the proposed budget for the upcoming year, or may be made at any other time if deemed necessary.</p> <p>(c) Provide policy direction to, and exercise control over, the Town Manager as may be required in his role as administrative head of the Town.</p> <p>(d) Approve an annual Town budget and any amendments to the budget, together with such other fiscal reports and programs as may be required, and periodically review the financial status of the Town relative to the current budget.</p> <p>(e) Provide Town representation on intragovernmental groups when such groups are composed principally of elected officials or when such representation is deemed advisable by the Commission.</p> <p>(f) Perform such other duties as may be prescribed by ordinance or resolution consistent with the concept of management of the Town expressed in this Charter.</p>

<p>***High Priority***</p> <p>Section 3.03. Office of the Town Manager.</p>	<p>PROHIBITING TOWN COMMISSION MEMBERS FROM INTERFERING WITH OPERATIONS EXCEPT THROUGH TOWN MANAGER</p> <p>Amending the prohibition on Town Commission members interfering with Town operations except through the Town Manager. This amendment also provides that the Town Commission shall set the salary and benefits of the Town Manager.</p>	<p>This Charter amendment requires the Town Commission to set the salary and benefits of the Town Manager and amends the prohibition on members of the Town Commission from interfering with the administration of the Town except through the Town Manager. Many cities operating under the commission-manager form of government have a charter provision prohibiting members of the town commission from interfering with the operations of the Town except through the Town Manager.</p>	<p>(a) This office shall be headed by a Town Manager, who shall be appointed by the Town Commission on the basis of his or her executive and administrative qualifications. The Town Commission shall set the salary and benefits of the Town Manager. The Town Manager shall be the Chief Administrative Officer of the Town, and shall be directly responsible to the Commission for all Town affairs placed in his or her charge by this Charter or by ordinance or resolution. The Town Manager when necessary shall appoint, suspend, demote or dismiss any Town employee under his or her jurisdiction in accordance with the law and the personnel rules, and may authorize any Department Head to exercise these powers with respect to subordinates in that department. The Town Manager shall direct and supervise the administration of all departments of the Town except the Office of Town Attorney, and shall attend all Commission meetings unless excused by the Commission, and shall have the right to take part in discussions, but not vote. He or she shall see that all laws, Charter provisions, ordinances, resolutions, and other acts of the Commission subject to enforcement by him or her are faithfully executed. The Town Manager shall also prepare and submit the annual budget, budget message, and capital program to the commission, and shall keep the Commission fully advised as to the financial condition and future needs of the Town, and shall be responsible for adhering to the approved budget. The Town Manager shall make such recommendations to the Commission concerning the affairs of the Town as he or she deems advisable. The Town Manager shall endorse all instruments in writing in which the Town is interested, sign Town checks as authorized by the Town Commission, and execute contracts on behalf of the Town, unless the Commission shall otherwise provide. The Town Manager shall by letter designate an Acting Town Manager to exercise his or her powers and perform his or her duties during temporary absences or disability of the Town Manager. The Commission may revoke such designation at any time and appoint another eligible person to serve as Acting Town Manager.</p> <p>(b) Except for the purpose of inquiries and investigations, the Town Commission or its members shall not give orders or directions to any officer or employee of the Town who is under the direction and supervision of the Town Manager, and shall deal with such officers and employees only through the Town Manager.</p> <p><u>The Town Commission or its members shall not give directions to or interfere with any officer or employee of the Town who is under the direction and supervision of the Town Manager. The Town Commission may direct by a majority vote the Town Manager or Town staff to support inquiries and/or investigations.</u></p>
<p>***High Priority***</p> <p>Section 3.04. Office of the Town Clerk.</p>	<p>REMOVING THE TOWN COMMISSION'S AUTHORITY TO FIX SALARY OF TOWN CLERK</p> <p>Amending the Charter by removing the Town Commission's authority to fix the salary of the Town Clerk.</p>	<p>This Charter amendment would remove the Town Commission's authority to fix the salary of the Town Clerk. Additionally, the amendment removes the provision that the Town Clerk is to "serve the Commission."</p>	<p>This office shall be headed by a Town Clerk hired by the Town Manager. to serve the Commission. The salary of the Town Clerk shall be fixed by the Commission. The Town Manager shall have exclusive supervisory authority over the Town Clerk as a Town employee, including the authority to manage, discipline, and terminate consistent with the Town's employment policies, without consent of the Town Commission. The Clerk shall be: Clerk of the Commission and shall keep the Commission journal; custodian of ordinances, resolutions, and such other official records as the Commission may prescribe; attester to contracts, bonds, and other instruments as may be prescribed by law; chief registration and elections officer of the Town; and responsible for other duties so prescribed by the Town Commission or Town Manager.</p>
<p>***Low Priority***</p> <p>Section 3.05. Office of the Town Attorney.</p>	<p>PROVIDING TOWN ATTORNEY'S SALARY/CONTRACT FIXED AND APPROVED BY COMMISSION</p> <p>Amending the Charter by providing the Town Attorney's salary and/or contract shall be fixed and approved by the Town Commission. This amendment also removes the requirement that the Town Attorney be the prosecutor in the Town court.</p>	<p>This Charter amendment would clarify that the Town Commission shall fix and approve the salary and/or contract of the Town Attorney. It further removes the requirement that the Town Attorney be the prosecutor in the Town court.</p>	<p>This office shall be held by an attorney, appointed by the Commission. The salary and/or contract of the Town Attorney shall be fixed and approved by the Commission. The Town Attorney shall be legal advisor and attorney to the officers of the Town in matters affecting the Town or relating to their official duties; prosecute and defend in behalf of the Town all civil actions in which the Town is a party; prepare and endorse written instruments in which the Town is concerned; be prosecutor in the Town court; and perform other duties as the Commission may require or as may be prescribed by general state law, consistent with this Charter and with ordinances or resolutions of the Commission. One or more assistants may perform any duties of the Town Attorney. The Town Attorney and his or her assistants shall be lawyers admitted to and having authority to practice in all courts of the state, as well as the Federal District Court.</p>

<p>***Low Priority***</p> <p>Section 3.11. Code of Ethics</p>	<p>AMENDING THE CHARTER TO DEFINE UNACCEPTABLE GIFT AND SPECIFYING APPLICABLE FLORIDA STATUTES</p> <p>Amending the Charter by providing incorporating the definition of "unacceptable gift" as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, and specifying the applicable statutory sections for the Code of Ethics for Public Officers and Employees.</p>	<p>This Charter amendment amends the prohibition on officers and employees of the Town to accept gifts as defined in Section 112.313(2) and 112.313(4), Florida Statutes, and specifies the statute sections applicable to the Code of Ethics for Public Officers and Employees.</p>	<p>The following code of ethics shall apply to all officers and employees of the municipality, whether elected or appointed, paid or unpaid. By majority vote of the Commissioners, the Commission may vote to censure a member for violating this code. No officer or employee of the Town shall knowingly:</p> <ul style="list-style-type: none"> (a) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his official duties or would tend to impair his independence of judgment or action in the performance of his official duties; (b) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his official duties, or would tend to impair his independence of judgment or action in the performance of his official duties; (c) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he is employed, without proper legal authorization, or use such information to advance the financial or other private interest of himself or others; (d) Accept any valuable unacceptable gift as defined in Sections 112.313(2) and 112.313(4), Florida Statutes, whether in the form of service, loan, thing item, whether tangible or intangible, or promise, from any person, firm, or corporation which to his knowledge is interested directly or indirectly in any manner whatsoever in business dealings with the governmental body by which he is employed; provided, however, that any such officer or employee who is a candidate for public office may accept campaign contributions and services in connection with any such campaign; (e) Represent private interests in any action or proceeding against the governmental body by which he is employed; (f) Vote or otherwise participate in the negotiation or the making of any contract involving the Town with any business or entity in which he has a financial interest; (g) Have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the Town, [and if so] shall disclose such private interest on the records of the Commission, and shall disqualify himself from participating in any decision or vote relating thereto; (h) Use property owned by such governmental body for personal benefit, convenience, or profit except in accordance with policies of the Commission; or (i) Violate the Code of Ethics for Public Officers and Employees <u>as provided for in Sections 112.311 through 112.3261, Florida Statutes, as may be amended</u> or the Florida Election Code, as set forth in Florida Statutes, and implementing rules thereof, and if a Town officer or employee has been found to have violated the Code of Ethics for Public Officers and Employees by the Florida Commission on Ethics or the Florida Election Code by the Florida Elections Commission, or implementing rules thereof, he or she may be censured by the Town Commission.
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Town Commission Meeting**Section:****Meeting Date:****From: Alison Dennington****RE: Charter Review Recommends and Town Clerk Provisions****Background Information:**

This is a packet supplement document I request be added. It was received after the original packet materials deadline. It is a 2025 summary of various city charter provisions and provides helpful data on various topics such as different variety of Town Clerk Structures.

Recommendation:**Add to discussion.****Attachments:****Provided to Clerk. Doc prepared by FLC.**

Town Commission Meeting

Section: New Business

Meeting Date: June 18, 2025

From: Lisa Kishegyi Parks Board Chairperson

RE: Back To School Event

Background Information:

The Parks Board in cooperation with the Police and Fire Departments would like to host a bicycle safety awareness event just prior to the start of school on Friday August 8, 2025 from 6pm until 8pm.

There will be a bike helmet giveaway, access to fire truck, sign up tables for SB Little League and Boy Scouts along with snacks for the kids.

Recommendation:

The Parks Board is presenting this event for Commission approval

Attachments:

Event packet



Town of Melbourne Beach

Town Event Permit – Application

- Applications **MUST** be complete, otherwise they will be returned without further action.
- Application must be legible.
- Site map must accompany application.

If a question is not applicable to your event, please identify such with N/A. Do not leave any question or requested information blank.

Title of Event:	Back to School Bash		
Purpose of Event:	Welcome students back to school / discuss bike safety		
Date of Event:	8-8-25		
Hours of Event, including set-up and take down:	6 PM - 8 PM 1hr prior for setup		
Venue Site(s) - Please check all that apply:	<input checked="" type="checkbox"/> Ryckman Park Pavilion <input checked="" type="checkbox"/> Ryckman Park		
<u>Please submit a detailed site and/or course map.</u>	<input type="checkbox"/> Ocean Park <input type="checkbox"/> Other: _____		

Department or Board:	Parks Board
Point of Contact Phone #:	Jeanette Soucy 321-720-9673
Point of Contact Email Address:	jsoucy@cfl.rr.com
Authorized Responsible Parties:	
<u>Must be at least 18 years of age.</u>	

Please identify the ultimate use of the net proceeds: N/A

Will professional service providers be utilized to support this event? ☐ Yes ☐ No

If yes, please provide the company name and contact information for each below.

Note: Commercial ventures such as food vendors, sale of goods or products, etc. are not allowed.



Town of Melbourne Beach

Service Provider #1:		Contact Info:	
Service Provider #2:		Contact Info:	
Service Provider #3:		Contact Info:	

Estimated number of persons expected to participate and attend this event: 75

If this event was held in Melbourne Beach in the past, what was the estimated number of persons who participated and attended the last event? N/A

Estimated number of vehicles requiring parking? N/A

Toilet facilities will be provided by the applicant, unless otherwise instructed by Town staff.

Location of restroom facilities shown on your site map. ☐ Yes ☒ No

Applicant MUST provide sufficient number of ADA compliant restroom facilities in accordance with ADA requirements.

Will any portion of any street be occupied by the event? ☐ Yes ☒ No

Are these areas shown on your site map? ☐ Yes ☒ No

Music or amplified sound is only permitted in Ryckman Park, at the Ryckman Park Pavilions, and on the Melbourne Beach Pier. Will any music or amplified sound be provided/used? ☒ Yes ☐ No

If yes, what are the hours? From: 6 PM Until: 8 PM (Pastor Kevin Rock Harbor)

Numbers and types of such amplifiers or other such devices: DJ music / announcements

You must adhere to and comply with the Town's Noise Ordinance. Are you familiar with the Town of Melbourne Beach's noise ordinance rules? ☒ Yes ☐ No

If applicable, what is the location of assembly/start point? N/A

What is the location of the disband/finish point? N/A

Provisions for clean-up during and after conclusion of the event:

Town provided waste receptacles are all that is necessary for this event: ☒ Yes ☐ No



Town of Melbourne Beach

If yes, it is your responsibility to ensure all refuse is placed into receptacles. Do not allow receptacles to over flow. Excess refuse must be removed from the site.

If additional receptacles are necessary due to nature, length or size of the event, have you made arrangements with Waste Pro? ☐ Yes ☐ No N/A

Security, Traffic Control and Crowd Control: N/A

For events involving greater than 250 persons, you must establish a meeting with the Police Chief or designee to discuss security, traffic control and crowd control measures and requirements.

Are security, traffic and crowd control elements shown on your site plan? ☐ Yes ☐ No

Has a meeting with the Police Chief or designee been established? ☐ Yes ☐ No

Have all security, traffic and crowd control measures been satisfied? ☐ Yes ☐ No

Emergency Medical Services N/A

If your event involves more than 300 persons, on-site EMS may be required.

Has a meeting with the Fire Chief or designee been established? ☐ Yes ☐ No

Food Rules (When Allowed)

Is there is intent to have food and drinks? ☒ Yes ☐ No

If food or drinks will be sold or otherwise dispersed, who will be supplying food and drinks?

Volunteer Melbourne Beach Fire Department

Note: Food items should be served and prepared in a sanitary manner consistent with the Florida Department of Health. Vendors selling any food items and persons wishing to give away food are required to be in compliance with the established Florida Department of Business and Professional Regulation guidelines for Temporary Food Service Events and have all the appropriate business licenses and insurance. Anyone who serves food to the public at a temporary food service event needs a license. Food may not be stored or prepared at private residences.

Have food licenses and insurance information been submitted with application? ☐ Yes ☒ No N/A



Town of Melbourne Beach

Electrical Service:

As the applicant it is your responsibility to identify and determine electrical service requirements for this event. It may be necessary to consult with a certified electrician.

How many total Amps of electric service do you require? N/A

Are electrical requirements specified on your site map for each area of your event? ☐ Yes ☐ No

Note: Must be in compliance with Florida Fire Prevention and Building Code requirements.

Pamphlets, Handbills, Advertising

Will pamphlets, handbills or advertising of any kind be distributed at the event? ☐ Yes ☒ No

If yes, provide details: _____

Will the event be advertised? ☒ Yes ☐ No

If yes, where and when? Facebook / Gemini newsletter

Event Liability Insurance N/A Town Event

An applicant shall provide a policy of liability insurance where the event involves more than 50 persons or vehicles, naming the Town of Melbourne Beach as an additional insured in an amount of \$1,000,000 Public Liability Coverage.

The applicant is required to hold the town and its officials, employees and agents harmless from any damages to property or injuries (including death) to any person that may occur arising directly or indirectly from the activity for which the permit is being issued.

Printed Name: _____

Signature: _____ Date: _____

The following coverage shall be in effect: Public Liability, \$300,000 per person and \$1,000,000 per accident; Property Damage, \$200,000 per any one claim. The insurance carrier with whom the insurance is placed shall be reasonably acceptable to the Town, licensed by the State of Florida to carry on insurance activities as set forth in this chapter, and rated as "A+" or better by Best's Rating Guide. The town shall be named as loss payee in any policy set forth in this division. The policy shall include a non-cancellation clause, unless at least 30 days' notice is first extended to the town and in the event of cancellation.

Has your Certificate of Insurance(s) been filed with the town by the insurance carrier showing such insurance to be in force at all times? ☐ Yes ☒ No



Town of Melbourne Beach

As the applicant, I hereby certify that the information I have provided on the form is complete and accurate to the best of my knowledge. I agree to abide by the Terms set forth in this application, and the Ordinances of the Town of Melbourne Beach. I understand that failure to do so may lead to the cancellation of the event, the denial of future permit applications, and/or other legal action.

Printed Name: Lisa Kishegyi

Signature: [Handwritten Signature] Date: 6/11/25

FOR TOWN USE ONLY: APPROVAL / DENIAL / COMMENTS

TOWN MANAGER _____ Date: _____

☐ Approved ☐ Denied Comments: _____

CHIEF OF POLICE _____ Date: _____

☐ Approved ☐ Denied Comments: _____

FIRE CHIEF/MARSHAL _____ Date: _____

☐ Approved ☐ Denied Comments: _____

PUBLIC WORKS DIR. _____ Date: _____

☐ Approved ☐ Denied Comments: _____



Town of Melbourne Beach

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Town of Melbourne Beach

Town Event Permit – Application Checklist

- ☐ Completed application
- ☐ Site map of event
- ☐ Extra Duty application for Police/Fire/Public Works (if applicable)
- ☐ Alcoholic beverages permit (if applicable)
- ☐ Certificate of Insurance naming the Town of Melbourne Beach as an additional insured in an amount of \$1,000,000 Public Liability Coverage
- ☐ Food licenses and insurance of any food vendors
- ☐ Copy of advertisements for event (if applicable)

Town Commission Meeting

Section: New Business
Meeting Date: 6-18-2025
From: Robert Baldwin, Commissioner
RE: Resolution to Censure Mayor Dennington

Background Information:

In October, 2024, the prior Town Commission voted 4-1 to censure Mayor Dennington for conduct unbecoming her position. The mayor received constructive criticism from the Commissioners and pledged to take it to heart and improve her behavior. Six months later it is hard to find any evidence of improvement and, in fact, her behavior in some cases is even more egregious and outlandish.

One recent example of this behavior involves written (email) communication between the mayor and a staff member of the State Department of Government Efficiency under Governor Desantis.

In this communication, Mayor Dennington describes to the DOGE employee everything that she thinks is wrong with the Town Commission and the Town Staff (past and present) and proceeds to disparage Commissioner Anna Butler by calling her an “idiot” and also making childish, negative remarks about the Town Attorney (see bottom of page three of the email attached to the proposed resolution).

The mayor must evidently be reminded that it is NOT okay to disparage fellow commissioners or town staff.

Recommendation:

Approve the attached resolution

Attachments:

Proposed resolution and relevant email from Mayor Dennington

RESOLUTION NO. 2025-10

A RESOLUTION OF THE TOWN OF MELBOURNE BEACH, BREVARD COUNTY, FLORIDA, CENSURING MAYOR ALISON DENNINGTON FOR ACTIONS AND BEHAVIOR UNBECOMING AN ELECTED OFFICIAL; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Melbourne Beach values transparency, respect, integrity, and adherence to ethical standards in governance; and

WHEREAS, Mayor Alison Dennington was censured for her “actions and behavior” by the Melbourne Beach Town Commission on October 23, 2024 (Resolution 2024-10); and

WHEREAS, Mayor Alison Dennington continues to exhibit the types of behavior that she pledged to correct, specifically on page three of the email exchange attached hereto as “Exhibit A”, with an employee of the State of Florida Department of Government Efficiency (DOGE), whereby she referred to Commissioner Anna Butler, albeit not naming her directly, as an “idiot” who is “... just too weak and too blind really to see what was/is happening”; and

WHEREAS, in the same email Mayor Alison Dennington disparaged Town Attorney Ryan Knight, also not specifically named, stating, “And he (Town attorney) won’t ever be honest at least publicly...”; and

WHEREAS, the definition of “censure” includes “an expression of official disapproval.”

NOW, THEREFORE, BE IT RESOLVED by the Town Commission of the Town of Melbourne Beach, Florida, that:

SECTION 1. The Town Commission does hereby censure Mayor Alison Dennington for actions and behavior unbecoming of an elected official.

SECTION 2. The Town Commission calls upon Mayor Dennington to restore respect, integrity and professionalism in her role as mayor by ceasing to refer to any fellow Commissioner, Town staff person, or other party doing business with the Town in a disparaging manner.

SECTION 3. This Resolution shall be effective immediately upon passage by a majority vote of the Town Commission.

SECTION 4. The Town Commission hereby affirms our commitment to upholding transparency, accountability, and respect for all individuals involved in local and state government matters in Melbourne Beach and affecting Melbourne Beach.

PASSED AND ADOPTED by the Town Commission of the Town of Melbourne Beach, Brevard County, Florida, at its regular meeting this ____ day of June, 2025.

ATTEST:

TOWN OF MELBOURNE BEACH,
FLORIDA a Florida Municipal Corporation

Amber Brown, Town Clerk

By: _____
Alison Dennington, Mayor

(TOWN SEAL)

Exhibit A

From: [Puwalski, Jason](#)
To: aliappld@me.com
Cc: [Alison Dennington](#)
Subject: Re: DOGE, Melbourne Beach Mayor asking for help/even an investigation- from State/JLAC? Fw: Info request - "engineering" totals by Year, each year 2017-2025 (to date most recent payment inclusive)
Date: Thursday, April 17, 2025 11:25:02 AM

That's great to hear! Thank you.

Jason Puwalski

Department of Government Efficiency

Executive Office of the Governor

Office: (850) 717-9361

Cell: (850) 759-2440



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From: aliappld@me.com <aliappld@me.com>
Sent: Thursday, April 17, 2025 10:27 AM
To: Puwalski, Jason <Jason.Puwalski@eog.myflorida.com>
Cc: Alison Dennington <adennington@melbournebeachfl.org>
Subject: Re: DOGE, Melbourne Beach Mayor asking for help/even an investigation- from State/JLAC?
Fw: Info request - "engineering" totals by Year, each year 2017-2025 (to date most recent payment inclusive)

You don't often get email from aliapped@me.com. [Learn why this is important](#)

Yes, but it won't get signed til the next meeting.

I had used an AI to help me draft it.

We voted to authorize the Town Attorney to put it in proper form, tracking the language from Bay County - the one you provided and then he will provide it at the next meeting for signature

So it won't be signed til next month

But it passed favorably 4-0

Sent from my iPhone-13
AD-9282

On Apr 17, 2025, at 10:01 AM, Puwalski, Jason <Jason.Puwalski@eog.myflorida.com> wrote:

Thank you, Mayor. We will take a look at this. Did the Council vote on a resolution yesterday?

Jason Puwalski

Department of Government Efficiency

Executive Office of the Governor

Office: (850) 717-9361

Cell: (850) 759-2440

<Outlook-Logo AI-g.jpg>

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From: Alison Dennington <adennington@melbournebeachfl.org>

Sent: Tuesday, April 15, 2025 11:27 PM

To: Puwalski, Jason <Jason.Puwalski@eog.myflorida.com>

Subject: DOGE, Melbourne Beach Mayor asking for help/even an investigation- from State/JLAC? Fw: Info request - "engineering" totals by Year, each year 2017-2025 (to date most recent payment inclusive)

Thank you so much for the sample resolution.
we have it up for discussion tomorrow.

But I wanted to send the below email and a few background facts on the stuff I have to deal with in my town (a a tamper before) and even as Mayor.

The attached doc and email below from my finance director are the payments to the alleged "Town Engineer" BSE since 2017.

I say alleged because in 2021, 2022, 2023 as a private citizen I made a public records request for the Town Engineer contract or any contract with BSE.

I was told - we received your request we will get it when we can. 3 years—"we will get to it when we can" - it's on our "to do list" they said.

Meanwhile 400k in payments to the Town Engineer supposedly approved and by contract but

all gone now resigned or voted out —but she is grossly negligent on her job, in her supervision/management as well and has created and cultivated a climate of employees who are terrified of her because she has gotten rid of at least a dozen former employees including several Town Clerks who don't tie her line and delay and ignore any matter or information (generally financial) which she doesn't want anyone to know about.

She gives employees raises, bonus, time off, exceeds allowed comp time limits and pays out anyway, etc- so she scratches their back if they are "good to her" and loyal.

It's like It's—

them (paid employees) vs

US (the taxpayers and elected officials

and it's just wrong but it's a culture she has bred successfully.

She also has for years explicitly and implicitly threatens them (employees) and gets rid of anyone who doesn't keep quiet about what she wants quiet/locked down and they can't complain to anyone because she is the "boss".

HR complaints go to the finance/HR including complaints about the Manager — But the Manager hires and fires the Finance direct/HR head - So how does THAT work. Every employee but 1 that complained about the manager 10 or so in the last few years was retaliated against and either fired, left or was paid off. The existing one got a big raise and is 70 and close to retiring.

She lies so much I stopped agreeing to meet with unless she consented to a recording. After the first time she tried to lie again at a public meeting and I reminded her she said otherwise and I had the consented recording.

Since then - she refuses to meet with me and won't let anyone else. Always says - either she or any department is "busy right now, don't when they are free, check back later."

I am only 1 of 5.

2 TCs were appointed and are in the old camp who support her.

Myself another TC do not.

The 5th is to be perfectly honest - kinda an idiot (and has been playing both sides) and the manager cozied up to right away so despite her having been supported by my supporters and thus beating the incumbent- she jumped ship, BFF with the Manager, has a 3 year term and/ or is just too weak and Too blind really to SEE what was/is happening.

Our Town attorney is new and new to Municipal law totally.

(I was an attorney, corporate attorney, in Arkansas btw before a stay at home mom/mayor)

And he (Town attorney) won't ever be honest at least publicly or say anything publicly critical even if it's just factual bc he won't ever say anything that might make her look. He's "scared too"

Several past employees have filed written complaints against the Manager for all kinds of wild

no one can see I""the contract"

I get elected in Nov 2023.

I ask for the town Engineer Contract.

The Finance Director and clerk/manager tell me—they received my request and get back to me. From Nov 2023 to Nov 2024 - I ask periodically for an update—when will you get the contract?

I began voting against finance reports each month for several reasons, and against budget - partly because they simply refuse to get me basic financial info and contracts—As mayor I was asking. First they told me I had to make a public records request!! As mayor.

The Town Attorney had to step in after times this was happening and I finally protested and asked him what to do - so he stepped in to tell them NO you can't treat the Mayor's request as a public records request (and just delay it indefinitely)

But—Still they delay a full year on providing the contract (that turns out finally really does not exist).

Finally I beg the Town Attorney, and tell him I believe HE is not doing his duty ethically by ignoring their ignoring me.

So he relents and HE asks for the contract in September Nov 2024. 3 months later they finally respond to him. And Finally (2021 to Dec 2024) - the truth comes out - in December 2024 they say - we can't find it.

Then he and I push and insist - THEN they say- oh well actually there really is not a contract after all.

8 years they paid this company.

Since 2021 - 4 years — they (the Town Manager) ignore a public records requests for a contract.

Since 2023 — a year — they the same request from me as Mayor, all the while, all this time they (Town Manager) repeatedly — on recordings during meetings —publicly claiming it exists and repeating affirmatively there IS a contract and the payments are valid and claiming this company BSE is "the Town Engineer."

400k in payments. ***And that's not including millions to contractors who all seem the SAME 2 cozy companies who bid on the plans BSE does - after long unexplained "delays" in work product and timelines from BSE—then suddenly they have a bid book ready. And surprise 2 companies bid and it's awarded to one or the other.

(I suspect they are delaying til those 2 companies ARE free and not on OTHER jobs - can't prove it but It is a real pattern).

That is the tip of the iceberg here.

Please, please help?!?!?!?

Our Town Manager is entrenched and has her town supporters—past commissioners who are

stuff that does turn out later TRUE- Yet the Manager has never been investigated, employees just get paid off to go away in hush hush non-public "discussions"

The employees who are left need their jobs and are afraid. A few have told me some things - started to privately. But ask it to stay private and they say they feel they can't say anything publicly and have told me in confidence things- bc we are so small I can't reveal those things bc it would put them!

Ie - We only have 1 clerk, 1 fire chief, 1 PW Director, etc.

Please please help.

Lots of citizens want her investigated but I don't how internally. The lady budget cycle was a fiasco.

I can't get anyone to publicly report anything nor the Town attorney to do actual job ethically and with loyalty to the Town rather than the Ztown Manager.

Any advice?

Any contacts or suggestion?

I have a 100 issues large and small I can cite. Lots budgetary - mostly it's just beaucractic indifference, laziness, and being emboldened that nothing will happen ever to to them or to the Town Manager so she gets shielded and protected by existing employees who stayed and haven't quit.

Sorry so long.

I'm at my wits end some days!

Sincerely,

Alison "Al" Dennington,
Mayor, Town of Melbourne Beach
In Beautiful Brevard County, Florida

Sent from iPhone
(I apologize in advance for any typos herein.)

Get [Outlook for iOS](#)

From: Melbourne Beach Finance <Finance@melbournebeachfl.org>

Sent: Tuesday, April 15, 2025 5:11:49 PM

To: Alison Dennington <adennington@melbournebeachfl.org>; Melbourne Beach Finance Clerk <financeclerk@melbournebeachfl.org>

Cc: Melbourne Beach Town Manager <TownManager@melbournebeachfl.org>; Melbourne Beach

Town Clerk <TownClerk@melbournebeachfl.org>

Subject: RE: Info request - "engineering" totals by Year, each year 2017-2025 (to date most recent payment inclusive)

Mayor,

Engineering totals from 2017 to 2025 attached.

Thank you,

Jennifer Kerr
Finance Manager
 Town of Melbourne Beach

Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public-records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

CONFIDENTIALITY NOTICE: This electronic transmission, including any attachments, may contain confidential information that is legally privileged and exempt from disclosure. The information is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or any employee/agent responsible for delivering the message to that recipient, you are hereby notified that any disclosure, dissemination, copying, distribution or the taking of any action in reliance on the contents of this confidential information is strictly prohibited. If you have received this communication in error, please destroy it and immediately notify me at finance@melbournebeachfl.org or (321) 724-5860. Thank you.

From: Alison Dennington <adennington@melbournebeachfl.org>

Sent: Monday, April 14, 2025 10:39 AM

To: Melbourne Beach Finance <Finance@melbournebeachfl.org>; Melbourne Beach Finance Clerk <financeclerk@melbournebeachfl.org>

Cc: Melbourne Beach Town Manager <TownManager@melbournebeachfl.org>; Melbourne Beach Town Clerk <TownClerk@melbournebeachfl.org>

Subject: Info request - "engineering" totals by Year, each year 2017-2025 (to date most recent payment inclusive)

Importance: High

Finance/Finance Clerk,
 cc TM and Clerk,

Since we will be reviewing engineering services companies soon—
 I am requesting much needed information at your earliest convenience, requested by
 Wednesday.

I would like to get the numbers—totals— on how much we spend, or have spent, Total by year on "Engineering" (all engineering whether related to permits, stormwater, etc - ALL) in past years, by year, 2017 thru 2025 (most recent *payments* inclusive).

Specifically what I would like is:

1. Total per year ******paid to****** BSE (and/or Glaubitz) for anything, "each year" for 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025. **I believe we started in 2017 using BSE though it might not have been a full year that year, I'm not sure on that

though. Also, if after BSE was acquired by this new company - if payments stopped being "to BSE" but to this new company, please state so, and include those as well as either separate or as if/part of the "To BSE" totals.

2. Then also any other "Engineering" totals, for the same for each year 2017-2025. The same for others, other companies- the only one I know of is Bowman but there may/might have been others. But at least we do know/you can search Bowman, and/or "Engineering" I would assume.
3. BSE Acquisition info records/communications - any communication or emails, contacts, documents etc related to the purchase of BSE by LJA or other company received by the Town (already asked Manager and TA), but if any were received by finance then I would like those too. I'm told by Mr. Knight that there was some letter or emails/documents exchanged sent to the Town (perhaps to Manager only but I don't know) about this acquisition last year 2024 ***but I still haven't received them** (from the Town Attorney or Manager) (**fyi - finance - I asked the Manager and Town Attorney previously for that - I had not yet asked you/Finance for that so I don't mean to suggest that I had asked you for that until just now).
4. Name of our Accounting Software?? Brand? Version? Info I can to read or look to understand it better. (As for now, just looking to know name, version, model - so I read on my own for now.

*****Clarification on Scope of request rental Amounts/Totals—**

So we are on the same page and don't misunderstand the request - here is some info for clarity:

1. **"Each Year" — Fiscal or Calendar Year - either is fine, whatever is easiest/easier for you- so long as it's consistent, and the time periods are stated/given with the totals/info.** — ie CalY or FY total that states it runs from xx/xx/xxxx date to xx/xx/xxxx date and is thus a full 12 months but on FY calendar). (Partial years—And also if there are partial years — either way 2017, might be, and certainly 2025 would be, partial year.)
2. **"Paid to" - I am looking for and want totals. ***Totals regardless of it was paid back, reimbursed etc, or charged to permittees, etc. I still want those figures included******* so for example— I know we use BSE for various things, they direct bill us - such as for Basin 1 research, prep work currently underway, and then ongoing when a project - actual work starts, etc starts (also Roverside, Orange Ave, Cherry etc, etc) where it's a direct charge to the Town AND BSE is *also* involved in l, and reviews building permit plans process pre and post to some extent for new and substantial Renos, etc. —As I understand it—those amounts (permit reviews related) are billed *either* TO or THROUGH the Town in some way and ultimately eventually the permittee pays for it, either because those Permit funds/deposits sit in a separate account in Building Department and are paid through that, or paid by the Town and then paid back to the Town from those permittees funds/deposits or initial or subsequent billing with each permit number referenced on BSE bills to the Town for those so its traceable and thus repaid/reimbursed in some way. I recall it's accounted for and tracked that way? If am wrong please explain, or I can come in and you can show me? Regardless of how it operates - I still want these figures and yearly totals INCLUDED as either a total figure or 2 totals each year. Hope that helps clarify. See also number 2 (next)

3. "Paid to" — If you want to (*but you need not*) differentiate between amounts "paid back" or "charged to" permits - that's fine, but you need not. If there is some easily quantifiable separate category of accounting that keeps these totals separate - then I **would want those also** for each year, so please do NOT assume to or exclude those - that would be helpful to know - **but again you need not separate them yourself if it's easiest to just search by payee—BSE/Glaubitz**" ****As long as I can get a TOTAL that includes both types, ALL types/kinds of payments even if NOT separated - that is what I'm interested in. ***
4. By month on spreadsheet or excel - **if it is Easier for you to just pull and create a printable spreadsheet of all months in 2017-2025 — by month and I'll do the math, that works too so long as the spreadsheet is printable and printed for me and it's legible.
5. Also — If in doing the figures you necessarily have to or you actually end up pulling those by month anyway in a kind of spreadsheet or excel-like document from
6. the Accounting software (in order to arrive at/get the totals) then I would like that document too, and not just the totals.
7. Other Unknown Engineers?? Completeness ***Caveats/Qualification*** - I do not know what other engineers there might have been during 2017 - and I suspect you might not know off hand esp if It might have a small 1-time 1 off company we used for something. I don't except you remember!! So —as to total/Total "Engineering" might be trickier (if the software doesn't somehow code to/trace any kind of engineering regardless of payee, project, etc) — If you do know any additional engineering "payees" we might have paid in the 2017-2025 date, then I would like those too, but if not you can *asterisk* the "Total" data and figures or just provide a preemptive state to that effect — as being "substantially the total amount" for the bulk of "engineering" with the "caveat" that or "qualification" that you only searched the following "known companies" (ie BSE, Bowman, and another named companies known, but WITHOUT "certifying" it is "ALL engineering" to anyone other than those named payees known who do/did the bulk of engineering). That way it's clear for both of what is, and is NOT in the info.

Is this something I can get by Wednesday which is when I would like to have this info?

My memory — From sitting with you (Mrs. Kerr) once awhile back, when you were showing me the Accounting software — I recall you were able to easily isolate and pull up Payees in the system fairly easily, so I'm Assuming you can pull up all "invoices" and "all payments" to BSE easily, as well as to Bowman (those being the two that I at least know the names of for "Engineering" that we have used in the time period).

***If it's not that simple—can you advise?**

In which case, I would like to and am happy to come in so you can show me what you CAN pull up easily then I can try to figure out what/how best to get the info and figures I'm looking for.

Thank you.

Sincerely,

Alison "Al" Dennington,
Mayor, Town of Melbourne Beach
In Beautiful Brevard County, Florida

Sent from iPhone
(I apologize in advance for any typos herein.)

Get Outlook for iOS

Please note that under Florida law correspondence sent to the Governor's Office, which is not confidential or exempt pursuant to chapter 119 of the Florida Statutes, is a public record made available upon request.

Town Commission Agenda Item

Section: New Business

Meeting Date: June 18, 2025

Subject: Inspection of Town Assets

Submitted By: Public Works Director Tom Davis

Background Information:

Pursuant to an agenda item introduced in the Regular Commission Meeting in April 2025 by Commissioner Reed a Master Property Inspection format was created.

The inspections will be conducted and any deficiency discovered will be noted on the inspection form and a work order request will be provided to the Public Workers Director.

The Public Works Director will review the order and examine the reported deficiencies. At that time the applicable action/s will be taken to correct it.

Any deficiencies that may pose a danger to the public will be immediately addressed.

The playground area will be inspected monthly.

ATTACHMENTS: Master Property Management Form Structures, Pier Inspection Checklist and Playground Inspection Checklist

Recommendation: Utilize the Master Property Inspection Plan

Asset Inspecting	InspectionDate/Inspector	Problem/Issue Found	Repair order submitted/date	Completed by: Date:
Community Center				
Public Works Building				
Ryckman House/Restroom Building (Historic Asset)				
Fishing Pier				
Multi-Play Structures (4) - Playground				
LED Light (6): Tennis Court: 21 Ft				
Gazebo (3)				
Town Hall / Fire Department / Police Department				
Generator Building				
Lights (10): LED: Decorative				
Signalized Mast Intersection (Ocean Avenue)				
School Zone Flashers (2) Oak and Cherry				
Old Town Hall Historical Center				
Restroom Building Ocean Park				
Boardwalk: Ocean Park				
Boardwalk: 6 ft: Recycled Plastic Shower Deck				

TOWN OF MELBOURNE BEACH PIER INSPECTION

Date Conducted: _____ **Inspector/s** _____

Note: Take photographs of structure area/s where any possible issue/s appear. Use a marker to mark area/s so corrective action can be taken.

Handrails: Note splintering/missing screws/damage or decay

Deck Boards: Note splintering, missing or protruding screws, splinting boards

Facing/Parallel Boards: Missing or protruding screws, cracking boards, splinting boards

Superstructure (pilings/cross braces): Visual exam to the extent achievable and photograph any questionable areas. Do not enter the water or hangover sides of the pier to facilitate these actions.

Roof on the end of the pier: Visual including the trusses. Do Not get on the roof.

Comments _____

Revised 6/25

Town of Melbourne Beach

Playground Checklist

Inspected By:

Date: _____

____ The entire playground area has satisfactory drainage especially in heavy use areas such as under swings etc.

____ Playground surfacing depth adequate for height of equipment?

____ Painted equipment shows no signs of peeling, cracking, chipping or chalking.

____ "S" hooks properly closed and in good condition.

____ Swing seats in good repair, no worn or broken components.

____ Equipment fasteners (bolts/nuts) tight No exposed bolts or fasteners

____ No apparent sharp edges on equipment Anchoring material is below ground, unexposed

____ No broken glass or litter in play area

____ Trees kept out of use zone areas of equipment.

____ Any vandalism noted in play area

____ Trash receptacle stable, emptied

____ Play area tripping hazards - cracks, roots, rocks

Other issues

SEMI ANNUAL INSPECTION CHECKLIST

BUILDING BEING INSPECTED: _____

DATE PERFORMED: _____ PERFORMED BY: _____

STRUCTURAL INTEGRITY:

____ Walls

____ roof

____ floors

____ foundation

Notes:

SAFETY AND EMERGENCY SYSTEMS:

____ fire extinguishers

____ smoke-fire detectors

____ emergency exits clear and marked

Notes:

ELECTRICAL SYSTEMS:

____ Test outlets

____ look for any loose wires

____ extension cords – trip hazard/condition

____ look at breaker box note anything questionable

Notes:

HVAC/VENTILATION SYSTEMS:

- _____ Assess ac temperature
- _____ check filters –change if needed and date them
- _____ observe duct work where possible

Notes:

PLUMBING AND WATER SYSTEMS:

- _____ Examine plumbing fixtures
- _____ pipes and drains
- _____ check for leaks
- _____ corrosion present
- _____ sewage lines where visible

Notes:

EXTERIOR/GROUNDS:

- _____ Review building exterior for any safety hazards
- _____ windows
- _____ doors look for damage/operation
- _____ weathering of paint/building material

Notes:

Regular Town Commission Meeting Agenda

Section: New Business
Meeting Date: June 18, 2025
Subject: Finger pier (dock) at 6th Ave Boat Ramp
Submitted by: Robert Baldwin, Commissioner

Background Information

The boat ramp at Melbourne Beach has traditionally served small boats, kayaks and paddleboards. With a water depth of only 12-16 inches at the ramp, it accommodates shallow-draft boats that are 20 feet long or shorter, providing access to the Indian River Lagoon. On both the northern and southern sides of the ramp, there is a seawall that is currently in poor condition and will need to be replaced at some point. To mitigate potential failure, the town has placed coquina boulders in front of the seawall on the southern side.

For those unfamiliar with launching a boat at a boat ramp, and especially for those unfamiliar with the 6th Ave. ramp, here is the general procedure for launching a boat and boarding passengers there:

1. Back the trailer down the ramp until the boat can float off into the Indian River Lagoon.
2. If there's a second person, that person gets in the boat, starts it and waits for the driver to park the vehicle and trailer before moving the boat. If they are uncomfortable with starting the boat, then they must wade into the water and hold the boat away from the concrete ramp and coquina rocks to avoid damage to the boat's hull.
3. If there are other passengers, they will need to wade into the water, trying not to slip on the slimy ramp (this is one reason ramps have grooves in the concrete but that does not guarantee that a slip won't happen because slime still grows there).
4. Upon returning, the boat driver approaches the ramp, forcing the passengers and the vehicle driver to jump down onto the slimy ramp. The driver then retrieves the vehicle and trailer and backs down the ramp.
5. Finally, the boat is loaded back onto the trailer.

If a single person is trying to launch or recover their boat, this process is much more difficult as there is no place, such as a sandy beach to nose the boat up on or a dock to which to tie the boat.

This method of operation is notably different from standard boat ramps found throughout the county and state. Typically, such ramps feature a dock where the boat can be securely tied up after launching, allowing passengers to board safely before heading out. These common finger piers are also used to secure the boat while the driver retrieves the vehicle and trailer.

Since the addition of the coquina rocks, the process of loading passengers onto the boat has become more difficult and poses a risk of damage to the boat and potential accidents. Currently, the only way to access the boat is by wading into the water and climbing aboard, which can be hazardous due to slippery algae on the concrete ramp and may not be possible for some people with disabilities.

To enhance safety and streamline the boarding process, we recommend constructing a 4-foot wide by 30-foot-long loading dock on the southern side of the ramp per the attached drawing. This addition would significantly improve the ease of launching boats and safely loading passengers. We do NOT propose placing a deck at the end of the dock; this should diminish the attractiveness of the dock as a gathering place, alleviating privacy concerns of the neighboring residents. The pier would be able to accommodate one boat on either side.

Melbourne Beach resident, engineer and dock/seawall company owner, Mike Kalajian, has graciously offered to install the finger pier at no charge to the town. He has also offered to repair it in the event it is damaged in a storm.

Recommendation: Approve construction of the 30' x 4' finger pier at the 6th Ave boat ramp at no cost to the Town.

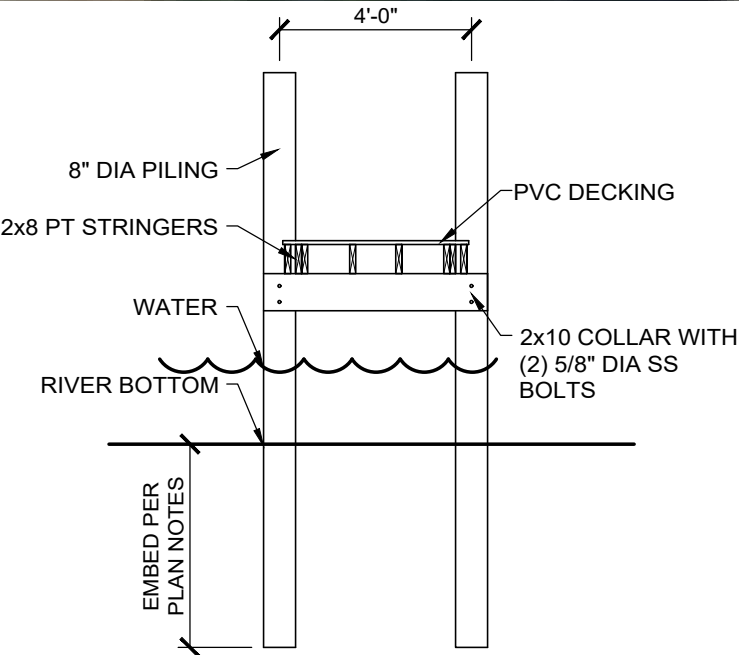
Attachment: aerial view of proposed finger pier.



STRUCTURAL NOTES

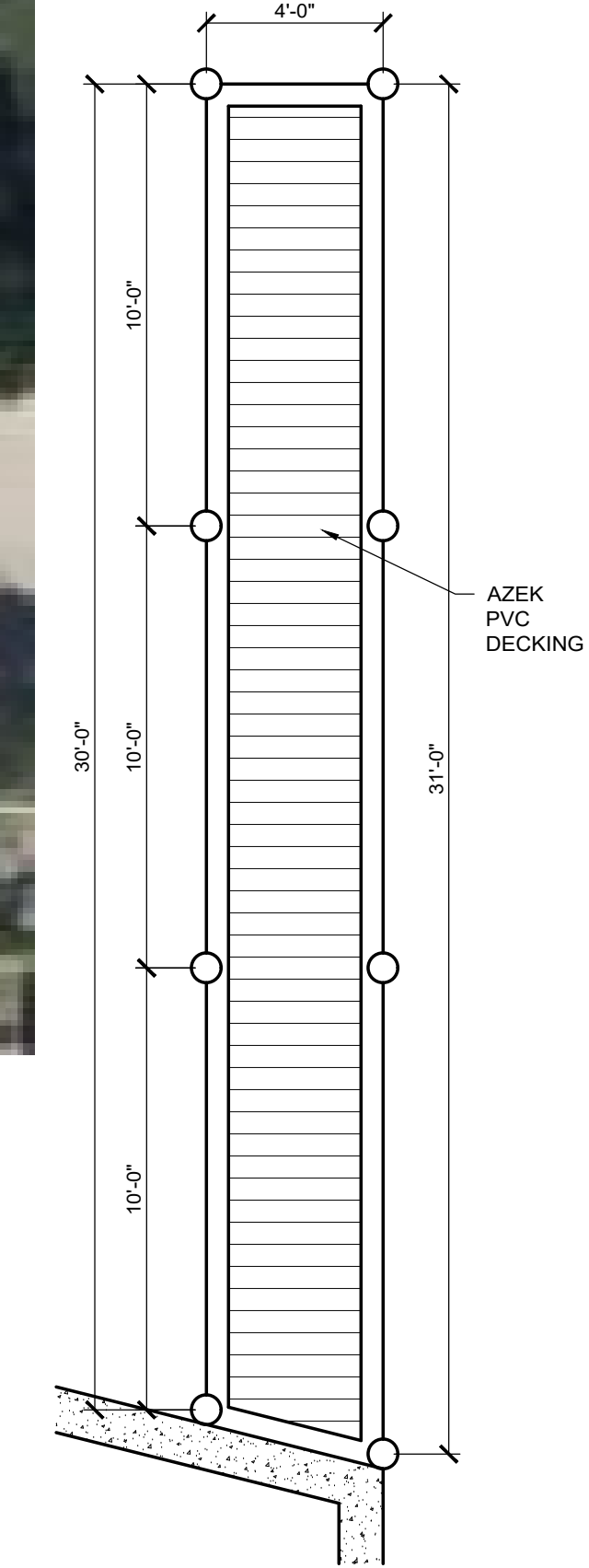
DESIGN CRITERIA

- D-1 CODES: - FLORIDA BUILDING CODE 2023, ASCE 7-22 "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES"
- D-2 DESIGN WIND SPEED: 150 MPH (3 SECOND GUST)
EXPOSURE 'C', OPEN STRUCTURE, GCPI = 0
- D-3 DESIGN LOADS:
DECK LIVE LOAD: 50 PSF



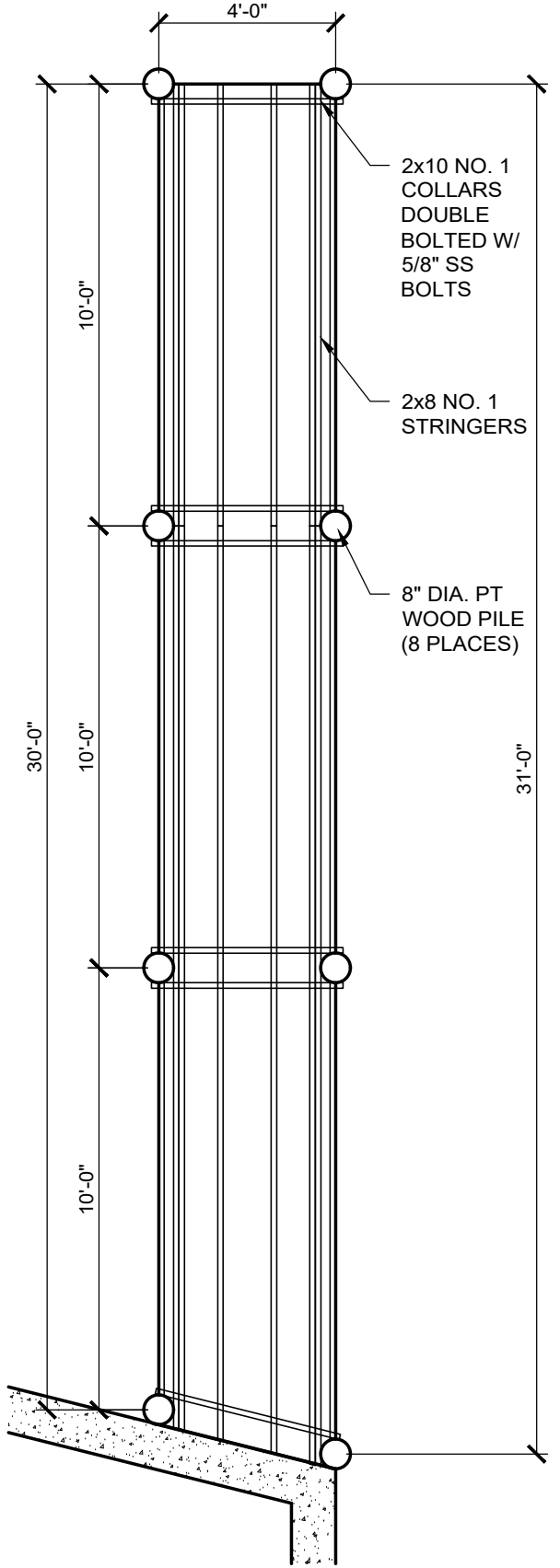
TYPICAL DOCK SECTION

SCALE: 1/4"=1'-0"



DECKING LAYOUT

SCALE: 1/4"=1'-0"



DECK FRAMING PLAN

SCALE: 1/4"=1'-0"

PROPOSED COST ESTIMATE TO BUILD LOADING PIER AT 6TH AVE BOAT RAMP IS \$9,000. THE DOCK WILL BE CONSTRUCTED BY SHORELINE MARINE CONTRACTORS AT NO COST TO THE TOWN.

SHORELINE
MARINE
587 WEST EAU GALLIE
BLVD SUITE 201
MELBOURNE, FL 32951



MELBOURNE BEACH
BOAT RAMP DOCK
MELBOURNE BEACH, FL 32951

587 WEST EAU GALLIE BLVD
SUITE 201
MELBOURNE, FL 32935
P: 321.600.0672 OR 321.574.2702
www.mksfructural.com

Certificate of Authorization #
CA 27800



issued for PROPOSAL
date 06/5/2025
revisions description

sheet number

S1

drawn by: MAK
checked by: MAK

by MK Structural Engineering, LLC. all rights reserved. When plotted at full size, this sheet measures 11' x 17'

Town Commission Meeting**Section: New Business****Meeting Date: June 2025 Regular Meeting****From: Mayor Alison Dennington****RE: Town Manager and Public Works Director Conduct Regarding Auction Signs: Alleged Malfeasance, Misfeasance, Neglect, False Statements, and Suspected Theft; Review of Criminal Complaint and Disciplinary Action****Background Information:**

In July 2024, the Town Manager, PW, and I began discussing by email and in person person meetings held the idea to auction of old town signs to raise funds for community boards, a proposal supported by Town Manager Mrs. Mascara. It was decided and known then to go on an agenda thereafter.

The Commission unanimously voted in October 2024 to auction all old signs at the May 2025 Founders Day event. Mrs. Mascara and Public Works Director Tom Davis were tasked with inventorying, securing, and providing the signs and conducting the auction.

Despite the auction's success—raising over \$2,500 with signs averaging \$43 each, some selling for \$100-\$200 due to their nostalgic value (e.g., Riverside)—significant issues arose.

As the event approached, I noticed no auction announcements and inquired with Mrs. Mascara, who expressed reluctance, suggesting selling the signs for \$10 each instead.

After multiple emails and offers to assist, including providing auction procedures and volunteering to manage the booth, the auction proceeded.

I personally contributed 6.5 hours on the day of the event, supplemented by volunteers and additional tables to form a U-shaped display.

However, the provided inventory—a handwritten list from Davis received the night before—was incomplete.

Specific high-value signs, including Ocean Ave (5), Sunset Blvd (4), Ave B (4), Surf Rd (4), and Beau Jean (witnessed being removed in mid-2024), were missing despite repeated inquiries.

Mrs. Mascara and Davis responded evasively, claiming “those were all the signs,” which prompted the mayor to file a criminal complaint for suspected theft, as over 40 signs were unaccounted for, and a resident reported seeing an Ocean Ave sign at Catalyst, a local business.

I felt I had an ethical duty to report this given the responses and lack of responses and the facts, the Commission vote and the missing signs and inability to get answers, even though I know I'll criticized for it. If the signs had been sold, and the \$2,500 was lying on the counter and someone stole it - no one could or would seriously argue a theft had not occurred. The signs have value, the Commission made a decision and it was the duty of PW and Mascara to carry it out faithfully and without resistance, without evasion and annoyance, and without false statements. They did not.

A police investigation revealed some withheld signs at Public Works, but none of the specifically requested signs (Ocean Ave, Sunset Blvd, Ave B, Surf Rd, Beau Jean) were found.

Davis claimed the manager authorized him to handle the signs, which Mrs. Mascara confirmed orally, but he became uncooperative when recorded.

The police closed the case, recommending the Commission address it as a disciplinary matter, citing the Commission's October 2024 vote that revoked any prior authority over the signs.

The manager's and Davis's false statements and failure to account for still-missing signs, valued over \$750, raise concerns of third-degree felony theft under Florida Statute § 812.014(2)(c) and ethical violations under Florida Statute § 112.311.

Legal and Ethical Context:

- **Malfeasance:** Intentionally withholding signs or making false statements about their availability.
- **Misfeasance:** Negligent or improper inventory and security of signs.
- **Nonfeasance (Neglect):** Willful failure to comply with the Commission's mandate to provide all signs for auction.
- **False Statements and Ethics:** Florida Statute § 112.311 requires public officials to act with honesty. The manager's false claim that all signs were provided violates this, and Florida Statute § 838.022 makes concealing material facts or false statements a felony.
- **Theft of Town Property:** Under Florida Statute § 274.02, old signs are town property, and unauthorized removal may constitute theft, a third-degree felony if valued over \$750 per Florida Statute § 812.014(2)(c).
- **Duty to Report:** Common law and Florida Statute § 112.532 obligate officials to report misconduct or suspected illegal activity, such as theft or mismanagement.
- **Revoked Authority:** The October 2024 vote mandated all signs be auctioned, superseding any prior authority claimed by Mrs. Mascara or Davis. Their continued assertion of authority undermines public trust.

Recommendation:

The Commission is requested to:

- 1. Discuss the town manager's and Davis's evasive responses, false statements, and failure to provide all signs, potentially constituting malfeasance, misfeasance, neglect, and ethical violations.**
- 2. Review the mayor's criminal complaint for suspected theft, given the missing signs valued over \$750 and the Ocean Ave sign at Catalyst.**
- 3. Consider disciplinary action (e.g., written warnings, suspension, or termination) for Mrs. Mascara and Davis, per the town charter and personnel policies.**
- 4. Direct staff to investigate the location of missing signs (Ocean Ave, Sunset Blvd, Ave B, Surf Rd, Beau Jean) and provide a supplemental memo.**
- 5. Evaluate policies to prevent future mismanagement of town property.**

Attachments:

- 1. October 2024 Regular Meeting minutes (discussion and vote to auction signs)**
- 2. Town charter and ordinances**
- 3. Job descriptions for town manager and Public Works Director. Recorded interview of Tom Davis. Recorded interview of Mascara if any. And closed criminal complaint and emails, related to same from Mayor, attachments and casefile.**
- 4. Supplemental memo (to be provided)**
- 5. Emails between**

Mrs. Mascara m, PW, and myself between July 2024 thereafter regarding the signs and auction and missing signs (to be supplemented)

Statutes & Constitution :View Statutes : Online Sunshine

CHAPTER 274

TANGIBLE PERSONAL PROPERTY OWNED BY LOCAL GOVERNMENTS

274.01 Definitions.

274.02 Record and inventory of certain property.

274.03 Property supervision and control.

274.04 Property acquisition.

274.05 Surplus property.

274.06 Alternative procedure.

274.07 Authorizing and recording the disposal of property.

274.08 Penalty.

274.09 Construction.

274.10 Initiation of act.

274.11 County health department property.

274.12 Special districts subject to chapter.

274.01 Definitions.—The following words as used in this act have

the meanings set forth in the below subsections, unless a different meaning is required by the context:

(1) "Governmental unit" means the governing board, commission, or authority of a county, a county agency, a municipality, a special district as defined in s. 189.012, or taxing district of the state, or the sheriff of the county.

(2) "Custodian" means the person to whom the custody of county or district property has been delegated by the governmental unit.

(3) "Property" means all tangible personal property, owned by a governmental unit, of a nonconsumable nature.

(4) "Fiscal year" means the governmental unit's fiscal year established pursuant to law; otherwise, it means the calendar year.

History.—s. 1, ch. 59-163; s. 1, ch. 61-102; s. 4, ch. 2023-144.

274.02 Record and inventory of certain property.—

(1) The word "property" as used in this section means fixtures and other tangible personal property of a nonconsumable nature.

(2) The Chief Financial Officer shall establish by rule the requirements for the recording of property and for the periodic review of property for inventory purposes.

History.—s. 2, ch. 59-163; s. 8, ch. 69-82; s. 1, ch. 73-87; s. 5, ch. 82-104; s. 1, ch. 88-53; s. 5, ch. 96-209; s. 2, ch. 2004-296; s. 41, ch. 2006-122.

274.03 Property supervision and control.—A governmental unit

shall be primarily responsible for the supervision and control of its property but may delegate to a custodian its use and immediate control and may require custody receipts. A governmental unit may assign to or withdraw from a custodian the custody of any of its property at any time; provided, that if the custodian is an officer elected by the people or appointed by the Governor, the property may not be withdrawn from the officer's custody without his or her consent. Each custodian shall be responsible to the governmental unit for the safekeeping and proper use of the property entrusted to his or her care. If the custodian is not a bonded officer, the governmental unit may require from the custodian a bond conditioned upon such safekeeping and proper use. In each county the sheriff shall be the custodian of the property of the office of sheriff.

History.—s. 3, ch. 59-163; s. 2, ch. 61-102; s. 186, ch. 95-148.

274.04 Property acquisition.—Whenever acquiring property, the governmental unit may pay the purchase price in full or may exchange property with the seller as a trade-in and apply the exchange allowance to the cost of the property acquired. If, whenever acquiring property, the governmental unit may best serve the interests of the county or district by outright sale of the property to be replaced, rather than by exchange as a trade-in, it may make the sale in a manner otherwise prescribed in this act for the disposal of property. The receipts from the sale may be treated as a current refund if the property to be acquired shall be contracted for within the same fiscal year of the governmental unit in which the property sold is disposed of.

History.—s. 4, ch. 59-163.

274.05 Surplus property.—A governmental unit shall have discretion to classify as surplus any of its property, which property is not otherwise lawfully disposed of, that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function. Within the reasonable exercise of its discretion and having consideration for the best interests of the county or district, the value and condition of property classified as surplus, and the probability of such property's being desired by the prospective bidder or donee to whom offered, the governmental unit may offer surplus property to other governmental units in the county or district for sale or donation or may offer the property to private nonprofit agencies as defined in s. 273.01(3) by sale or donation. If the surplus property is offered for sale and no acceptable bid is received within a reasonable time, the governmental unit shall offer such property to such other governmental units or private nonprofit agencies as determined by the governmental units on the basis of the foregoing criteria. Such offer shall disclose the value and condition of the property. The best bid shall be accepted by the governmental unit offering such surplus property. The cost of transferring the property shall be paid by the governmental unit or the private nonprofit agency purchasing or receiving the donation of the surplus property.

History.—s. 5, ch. 59-163; s. 21, ch. 94-226; s. 6, ch. 96-209; s. 1, ch. 96-236.

274.06 Alternative procedure.—Having consideration for the best interests of the county or district, a governmental unit's property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not

otherwise lawfully disposed of, may be disposed of for value to any person, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in s. 1.01, or if the property is without commercial value it may be donated, destroyed, or abandoned. The determination of property to be disposed of by a governmental unit pursuant to this section instead of pursuant to other provisions of law shall be at the election of such governmental unit in the reasonable exercise of its discretion. Property, the value of which the governmental unit estimates to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the governmental unit. Any sale of property the value of which the governmental unit estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in the county or district in which is located the official office of the governmental unit, and in additional newspapers if in the judgment of the governmental unit the best interests of the county or district will better be served by the additional notices; provided that nothing herein contained shall be construed to require the sheriff of a county to advertise the sale of miscellaneous contraband of an estimated value of less than \$5,000.

History.—s. 6, ch. 59-163; s. 22, ch. 94-226; s. 7, ch. 96-209.

274.07 Authorizing and recording the disposal of property.— Authority for the disposal of property shall be recorded in the minutes of the governmental unit. The disposal of property within the purview of s. 274.02 shall be recorded in the records required by

that section.

History.—s. 7, ch. 59-163.

274.08 Penalty.—Any person who violates any provision of this act or any rule prescribed pursuant to its authority shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 8, ch. 59-163; s. 158, ch. 71-136.

274.09 Construction.—The provisions of this act shall be liberally interpreted to be cumulative and supplementary to any general, special or local law, heretofore or hereafter enacted.

History.—s. 10, ch. 59-163.

274.10 Initiation of act.—This act shall govern the administration of the property of each governmental unit from the beginning of such governmental unit's fiscal year next succeeding May 28, 1959.

History.—s. 11, ch. 59-163.

274.11 County health department property.—Title to property purchased by county health departments established pursuant to the provisions of chapter 154, whether purchased with federal, state or county funds, or any combination thereof, shall be vested in the board of county commissioners of the county where said county health department is located and shall be accounted for in accordance with the provisions of this chapter.

History.—s. 1, ch. 61-46.

274.12 Special districts subject to chapter.—Every special district governed by the provisions of this act shall comply with the provisions of this chapter.

History.—s. 12, ch. 79-183; s. 3, ch. 2004-296.

Mayor's Memo (With Help of AI)

On a Public Official's Legal, Common Law, Fiduciary, and Ethical Duty to Report, Investigate and Take Appropriate Action

Common Law and Ethical Duties of Public Officials to Report Suspected Thefts

Public officials, including town managers, mayors, commissioners, and employees, have a fiduciary duty to act in the public's interest and maintain public trust.

This includes reporting suspected thefts, even of small amounts like petty cash or, in the context of the prior agenda item, town property such as old signs. Below is a detailed examination of these duties under common law, Florida statutes, and ethical standards, with references to other states where applicable.

Common Law Duties

Under common law, public officials are held to a high standard of conduct as fiduciaries of the public.

The duty to report suspected theft or mismanagement stems from the tort of misconduct in public office, a common law offense recognized in many jurisdictions, including Florida and other states.

This offense occurs when a public official willfully neglects a duty or engages in misconduct that abuses public trust.

Key principles include:

- **Duty to Protect Public Property:** Public officials are entrusted with safeguarding public assets, including petty cash or low-value items like old signs. Failure to report suspected theft, even of small amounts, can constitute nonfeasance (neglect of duty) if the official knowingly allows the loss to persist without action. For example, in the case of missing town signs, the town manager's and Public Works Director's failure to account for the signs or report their potential theft could be seen as a breach of this duty.
- **Duty to Act with Integrity:** Common law imposes a duty on officials to act honestly and report misconduct, including theft, to prevent harm to the public. This is particularly relevant when officials, like a town manager, make false statements (e.g., claiming "those were all the signs") to evade accountability, as such actions undermine public trust.
- **Reporting Misconduct:** Courts in common law jurisdictions, such as Florida, have recognized that public officials have a duty to report suspected illegal activity, including theft, to appropriate authorities (e.g., police or governing bodies like a town commission). This duty extends to small amounts because even petty theft erodes public resources and trust. For instance, in *State v. G.C.*, 572 So. 2d 1380 (Fla. 1991), Florida courts emphasized the importance of intent in theft cases, implying that officials must act diligently to address any intentional misappropriation, regardless of value.

There could be common law duties to report suspected theft which are violated by the failure to do, and this would depend on the circumstances and facts of each case.

The cumulative effect of failing to address small thefts (e.g., petty cash or signs valued under \$750) can lead to a pattern of neglect that courts may view as misconduct.

In other states, such as California, cases like *People v. Superior Court (Humberto S.)*, 43 Cal. 4th 737 (2008), have upheld that public officials must report suspected crimes to maintain accountability, even for low-value items, as part of their fiduciary role.

Florida Statutory Duties

Florida law imposes specific obligations on public officials to report suspected thefts, including petty cash or low-value property, through statutes governing public conduct and theft.

Relevant statutes include:

- **Florida Statute § 112.532 (Law Enforcement Officers' and Public Employees' Rights):** This statute protects public employees who report violations of law, including theft, and implies a duty to report such misconduct. While primarily focused on whistleblower protections, it underscores the expectation that officials, including town managers, report suspected crimes to avoid complicity or neglect. Failure to report suspected theft, even of petty cash, could expose an official to disciplinary action or civil liability.
- **Florida Statute § 838.022 (Official Misconduct):** This statute makes it a third-degree felony for a public servant to knowingly conceal material facts or make false statements regarding unlawful activity, such as theft.

In the context of the missing signs, the town manager's false claim that all signs were provided could violate this statute, regardless of the signs' value, as it involves intentional deception.

- **Florida Statute § 274.02 (Tangible Personal Property):** Municipalities must maintain an inventory of tangible property, including low-value items like old signs.

Unauthorized disposal or failure to report missing property violates this statute, reinforcing the duty to report suspected theft.

- **Florida Statute § 812.014 (Theft):**

While primarily defining theft, this statute clarifies that even small amounts (e.g., petty cash under \$750) constitute petit theft, a misdemeanor.

Public officials who fail to report such thefts may be seen as neglecting their duty to protect public assets, especially if the theft involves public property. The statute's low threshold for petit theft (\$100-\$750 for first-degree misdemeanor) emphasizes that even small thefts are actionable.

More Detail on Theft Statutory Text (Key Provisions)

Florida Statute § 812.014 – Theft

1. General Definition of Theft:

- (1) A person commits theft if he or she knowingly obtains or uses, or endeavors to obtain or to use, the property of another with intent to, either temporarily or permanently:
- (a) Deprive the other person of a right to the property or a benefit from the property.
- (b) Appropriately the property to his or her own use or to the use of any person not entitled to the use of the property.

2. Specific Acts Constituting Theft:

- (2)(c) It is a third-degree felony if the property stolen is valued at \$750 or more, but less than \$5,000, and is taken from a non-residential entity (e.g., a municipality).
- (2)(d) It is a first-degree misdemeanor (petit theft) if the property is valued at \$100 or more, but less than \$750.
- (2)(e) It is a second-degree misdemeanor if the property is valued at less than \$100.

3. Unauthorized

Disposition:

- (3)(a) A person who commits theft includes one who knowingly obtains or uses property in any manner that deprives the owner of their right to it, including through distribution or transfer to another person not entitled to it.
- (3)(b) A person who abandons, transfers, or otherwise disposes of property without authorization, knowing or having reason to know that the property belongs to another, commits theft.

4. Value of Property:

- (7) The value of the property is determined by its fair market value at the time of the offense. For used property (e.g., old town signs), this may include intrinsic or nostalgic value, as established by comparable sales or demand.

Definitions and Legal Principles

The following definitions and interpretations are derived from Florida Statute § 812.014, related case law, and legal principles, with a focus on unauthorized disposition, including giving property away without the right to do so:

- **Theft:** Under § 812.014(1), theft occurs when a person knowingly obtains or uses another's property with intent to deprive the owner of their rights or to appropriate it for unauthorized use. This includes

unauthorized disposition, such as selling, giving away, or transferring property to someone not entitled to it.

For example, if a town manager or public works director gives away old town signs to a business or individual without the town commission's authorization, this constitutes theft, as it deprives the municipality of its property rights.

- **Obtains or Uses:** Defined in § 812.012(3) (incorporated into § 812.014), this means:
 - (a) Taking or exercising control over property.
 - (b) Making any unauthorized use, disposition, or transfer of property.
 - (c) Obtaining property by fraud, willful misrepresentation, or other unlawful means.
- This explicitly includes giving property away (e.g., to a business like Catalyst for display) without permission, as it is an unauthorized disposition that deprives the owner (the town) of its rights.
- **Property of Another:** Per § 812.012(4), this includes tangible personal property owned by a person or entity, such as a municipality. Old town signs, even if used or of nostalgic value, are considered town property under Florida Statute § 274.02, and their unauthorized disposition (e.g., giving them away) violates the owner's rights.
- **Intent to Deprive:** The statute requires intent to deprive the owner of their property rights, either temporarily or permanently. Courts have interpreted this broadly to include actions where the actor knows or should know their conduct is unauthorized.

For instance, in *State v. G.C.*, 572 So. 2d 1380 (Fla. 1991), the Florida Supreme Court emphasized that intent can be inferred from actions like concealing or transferring property without permission, even if the actor claims no personal gain (e.g., giving signs away for free).

- **Unauthorized Disposition:** This includes any act of transferring, distributing, or disposing of property without legal authority. Giving away town signs to a third party (e.g., a business or individual) without the town commission's approval, especially after a vote mandating their auction, constitutes theft under § 812.014(3)(a)-(b). The act of disposition itself, regardless of whether the actor profits, violates the statute if it deprives the town of its property rights.
- **Value:**

The statute uses fair market value to determine the degree of theft.

For old signs, this could include their sale value at auction (e.g., \$43 average per sign, with some fetching \$100-\$200, as noted in the auction).

If the total value of missing signs exceeds \$750, it qualifies as a third-degree felony.

Even if under \$750, unauthorized disposition is petit theft (misdemeanor).

Application to the Missing Signs

In the context of the missing town signs (e.g., Ocean Ave, Sunset Blvd, Ave B, Surf Rd, Beau Jean), the town manager's and Public Works Director's actions could constitute theft under § 812.014 if they knowingly gave away or transferred signs without authorization.

The October 2024 commission vote mandated that all signs be auctioned, revoking any prior authority to dispose of them otherwise.

The manager's false statement that "those were all the signs" and the discovery of an Ocean Ave sign at Catalyst suggest unauthorized disposition, as the town was deprived of its right to auction the signs for public benefit.

The signs' value, potentially exceeding \$750 based on auction results (\$2,500 for provided signs, averaging \$43 each), could elevate the offense to a third-degree felony.

Even if individual signs were valued below \$750, giving them away without permission is petit theft, as it violates the town's property rights under § 274.02.

Additional Legal Context

- **Case Law:** In *Steadman v. State*, 152 So. 3d 1288 (Fla. 5th DCA 2014), the court held that unauthorized transfer of property, even without personal gain, constitutes theft if the actor knowingly deprives the owner of their rights. This applies to public officials giving away town property without commission approval.
- **Ethical Implications:** As noted in prior responses, Florida Statute § 112.311 requires public officials to act with honesty, and § 838.022 makes concealing material facts (e.g., the location of signs) a felony. Unauthorized disposition, even by giving away property, violates these ethical standards.
- **Common Law:** The common law offense of misconduct in public office further supports that officials who knowingly allow or facilitate unauthorized disposition (e.g., by ignoring inquiries or failing to report) breach their fiduciary duty.

Conclusion

Florida Statute § 812.014 clearly defines theft to include unauthorized disposition, such as giving away property without the right to do so, as it deprives the owner (e.g., the town) of their property rights.

The definitions of "obtains or uses" and "property of another" encompass actions like transferring town signs to a business or individual without commission approval. In the case of the missing signs, the town manager's and Public Works Director's actions—evading inquiries, making false statements, and potentially giving away signs—could constitute theft, ranging from petit theft (misdemeanor) to a third-degree felony if the value exceeds \$750.

This aligns with the my criminal complaint and the need for disciplinary action.

In Florida, the duty to report is particularly stringent for public officials because theft of public property, even of minimal value, impacts taxpayer resources.

The Office of Program Policy Analysis and Government Accountability (OPPAGA) periodically reviews theft thresholds, suggesting that even low-value thefts are a legislative concern due to their cumulative impact.

Ethical Duties

Ethical standards for public officials, both in Florida and nationally, reinforce the obligation to report suspected thefts. The Code of Ethics for Public Officers and Employees in Florida (Florida Statute § 112.311) mandates honesty, integrity, and accountability. Key ethical principles include:

- **Transparency and Accountability:**

Public officials must disclose suspected misconduct, including theft, to maintain public trust. The town manager's and Public Works Director's evasive responses and false statements about the signs violate this principle, as they obscure potential theft or mismanagement.

- **Fiduciary Responsibility:**

Officials are stewards of public resources, including petty cash or low-value assets. The International City/County Management Association (ICMA) Code of Ethics, widely adopted by municipal officials, requires reporting any misuse of public property, regardless of value, to prevent waste or abuse.

- **Preventing Cumulative Harm:**

Even small thefts, like petty cash or a few signs, can erode public confidence if unreported. Ethical guidelines encourage proactive reporting to deter future misconduct.

In other states, similar ethical codes apply.

For example, New York's Public Officers Law § 74 requires officials to avoid conduct that raises suspicion of impropriety, including failing to report suspected thefts.

California's Government Code § 53234 mandates ethics training for local officials, emphasizing the duty to report misuse of public funds or property, no matter how small.

Application to the Missing Signs Case

In the context of the missing town signs (valued over \$750, potentially constituting a third-degree felony under Florida Statute § 812.014(2)(c)), the town manager's and Public Works Director's failure to report or account for the signs, coupled with false statements, breaches both common law and ethical duties.

The Commission's October 2024 vote to auction all signs imposed a clear mandate, and their claim of prior authority does not excuse neglecting to report suspected theft or loss. The resident's sighting of

an Ocean Ave sign at a business further suggests unauthorized disposal, which officials were obligated to investigate and report. Even if the signs' value were below \$750 (petit theft), the duty to report persists to prevent further loss and maintain public trust.

Other States' Perspectives

- California: The California Government Code and case law (e.g., *People v. Superior Court*) emphasize that public officials must report suspected crimes, including petty theft, to uphold public trust. Failure to do so can lead to administrative sanctions or criminal charges for misconduct.
- New York: The Public Officers Law and ethical guidelines require reporting even minor thefts to prevent systemic abuse. Cases like *Matter of Pell v. Board of Education*, 34 N.Y.2d 222 (1974), highlight officials' duty to act on suspected misconduct.
- Texas: The Texas Ethics Commission and Penal Code § 39.06 (Misuse of Official Information) impose a duty to report theft or misuse of public property, with penalties for nonfeasance.

In Sum

Under the law, Florida statutes, and ethical standards, public officials have a clear duty to report suspected thefts, even of small amounts like petty cash or low-value property like old signs.

In Florida, Florida Statute § 112.532 and § 838.022 reinforce this obligation, while § 274.02 mandates accountability for public property.

The town manager's and Public Works Director's failure to report or account for missing signs, combined with false statements, violates these duties and warrants Commission review.

Ethical codes, both in Florida and other states, emphasize proactive reporting to prevent cumulative harm and maintain public trust.

My criminal complaint was ethically required in my view under the circumstances. I disagree with the Police Department's determination that the Manager had authority and their decision to close the case without any real inquiry, without interviewing Mascara on camera for the purpose of creating a record of her statements, and without taking any kind of inventory of what old signs were still in PW versus what signs were still missing— given the Commission already decided this issue. I believe, and Deputy Chief stated it was an uncomfortable position for both him and Officer Meehan to be in to be "investigating" the Manager who is "the boss." I was told the oral, unrecorded conversation, which is also still not in writing nor a sworn statement took less than a minute.

But given the police's recommendation and their "preference" that this instead be handled by the Commission as a disciplinary action I am taking them up on the suggestion.

I believe this still missing signs, still exceed the \$750 value and would still constitute a 3rd degree felony.

Town Commission Meeting

Section: New Business Item

Meeting Date: June 18, 2025

From: Dawn Barlow

RE: Consider increase in hourly parking rates

Background Information: At a recent budget workshop, parking rates were reviewed. The current hourly rate is \$2.50. There was some discussion and in the spirit of capturing this topic and having forward momentum, I would like to add this for discussion and vote.

Recommendation: Consider raising the hourly parking rate to \$3.50.

Other city rates that I've been able to research:

Cocoa Beach \$5, Indialantic \$1, Satellite Beach \$2.50, IHB \$3

Attachments:

Parking Meter Revenue Spreadsheet

Supporting financial info from RTCM meetings

	Actual FY22	Actual FY23	Actual FY24	Forecast FY25	Budget FY26
Parking Meter Revenue @ \$2.50	186,458.71	189,994.70	173,863.65	178,920.33	160,000.00
Ocean	102,614.73	97,708.60	87,391.88	104,584.59	85,000.00
Ryckman	83,843.98	92,286.10	86,471.77	74,335.74	75,000.00
Parking Meter Revenue @ \$3.50	261,042.19	265,992.58	243,409.11	250,488.46	224,000.00
Ocean	143,660.62	136,792.04	122,348.63	146,418.43	119,000.00
Ryckman	117,381.57	129,200.54	121,060.48	104,070.03	105,000.00
Increased Revenue Opportunity	74,583.48	75,997.88	69,545.46	71,568.13	64,000.00
Ocean	41,045.89	39,083.44	34,956.75	41,833.84	34,000.00
Ryckman	33,537.59	36,914.44	34,588.71	29,734.29	30,000.00

	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Total
FY 23													
Ocean	4,921.04	3,785.42	3,456.88	4,996.04	8,137.70	13,056.24	9,875.00	10,732.69	10,164.36	13,312.63	8,768.32	6,502.28	97,708.60
Ryckman	6,354.35	5,050.00	6,359.91	6,415.41	8,745.55	10,817.72	9,235.16	9,540.80	7,688.74	9,178.92	6,403.47	6,496.07	92,286.10
FY 24													
Ocean	4,323.54	3,669.99	2,544.37	2,412.50	3,359.78	10,650.19	10,584.79	11,999.21	11,707.57	13,209.28	7,281.57	5,649.19	87,391.98
Ryckman	5,616.47	4,085.40	5,833.19	5,111.66	6,927.64	10,600.74	9,782.44	9,917.90	8,116.48	8,718.81	6,675.88	5,085.16	86,471.77
Ocean Avg based on FY23 and FY24	4,622.29	3,727.71	3,000.63	3,704.27	5,748.74	11,853.22	10,229.90	11,365.95	10,935.97	13,260.96	8,024.95	6,075.74	92,550.29
Ryckman Avg based on FY23 and FY24	5,985.41	4,567.70	6,096.55	5,763.54	7,836.60	10,709.23	9,508.80	9,729.35	7,902.61	8,948.87	6,539.68	5,790.62	89,378.94
FY25 - Actual and Forecast													
Ocean	5,743.63	2,900.74	2,869.44	3,091.02	7,803.67	16,387.80	16,124.74	11,365.95	10,935.97	13,260.96	8,024.95	6,075.74	104,584.59
Ryckman	2,097.48	5,728.84	5,775.62	4,575.43	5,134.66	6,425.29	5,687.30	9,729.35	7,902.61	8,948.87	6,539.68	5,790.62	74,335.74

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Parking Revenue FY Comparison

FY23	Oct-23	Nov-23	Dec-23	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	TOTAL
Ocean	4,921.04	3,785.42	3,456.88	4,996.04	8,137.70	13,056.24	9,875.00	10,732.69	10,164.36	13,312.63	82,438.00
Ryckman	6,354.35	5,050.00	6,359.91	6,415.41	8,745.55	10,817.72	9,235.16	9,540.80	7,688.74	9,178.92	79,386.56
Total	11,275.39	8,835.42	9,816.79	11,411.45	16,883.25	23,873.96	19,110.16	20,273.49	17,853.10	22,491.55	161,824.56

FY24	Oct-23	Nov-23	Dec-24	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	TOTAL
Ocean	4,323.54	3,669.99	2,544.37	2,412.50	3,359.78	10,650.19	10,584.79	11,999.21	11,707.57	13,209.28	74,461.22
Ryckman	5,616.47	4,085.40	5,833.19	5,111.66	6,927.64	10,600.74	9,782.44	9,917.90	8,116.48	8,718.81	74,710.73
Total	9,940.01	7,755.39	8,377.56	7,524.16	10,287.42	21,250.93	20,367.23	21,917.11	19,824.05	21,928.09	149,171.95

10/23/24
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FY23	Dec-23	Jan-23	Feb-23	Mar-23	Apr-23	May-23	Jun-23	Jul-23	Aug-23	Sep-23	TOTAL
Ocean	3,456.88	4,996.04	8,137.70	13,056.24	9,875.00	10,732.69	10,164.36	13,312.63	8,768.32	6,502.28	97,708.60
Ryckman	6,359.91	6,415.41	8,745.55	10,817.72	9,235.16	9,540.80	7,688.74	9,178.92	6,403.47	6,496.07	92,286.10
Total	9,816.79	11,411.45	16,883.25	23,873.96	19,110.16	20,273.49	17,853.10	22,491.55	15,171.79	12,998.35	189,994.70

FY24	Dec-24	Jan-24	Feb-24	Mar-24	Apr-24	May-24	Jun-24	Jul-24	Aug-24	Sep-24	TOTAL
Ocean	2,544.37	2,412.50	3,359.78	10,650.19	10,584.79	11,999.21	11,707.57	13,209.28	7,281.57	5,649.19	87,391.98
Ryckman	5,833.19	5,111.66	6,927.64	10,600.74	9,782.44	9,917.90	8,116.48	8,718.81	6,675.88	5,085.16	86,471.77
Total	8,377.56	7,524.16	10,287.42	21,250.93	20,367.23	21,917.11	19,824.05	21,928.09	13,957.45	10,734.35	173,863.75

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Packet

Parking Revenue FY Comparison

FY24	Oct-23	Nov-23	Dec-24	Jan-24	Feb-24	Mar-24	Apr-24	TOTAL
Ocean	4,323.54	3,669.99	2,544.37	2,412.50	3,359.78	10,650.19	10,584.79	37,545.16
Ryckman	5,616.47	4,085.40	5,833.19	5,111.66	6,927.64	10,600.74	9,782.44	47,957.54
Total	9,940.01	7,755.39	8,377.56	7,524.16	10,287.42	21,250.93	20,367.23	85,502.70

FY25	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	TOTAL
Ocean	5,743.63	2,900.74	2,869.44	3,091.02	7,803.67	16,387.80	16,124.74	54,921.04
Ryckman	2,097.48	5,728.84	5,775.62	4,575.43	5,134.66	6,425.29	5,687.30	35,424.62
Total	7,841.11	8,629.58	8,645.06	7,666.45	12,938.33	22,813.09	21,812.04	90,345.66



Town of Melbourne Beach
Finance Department

Memo

To: Mayor, Vice Mayor and Commissioners
 From: Jennifer Kerr, Finance Manager
 Date: June 10, 2025
 Re: May Fiscal Year 2025

We are in the eighth month of our fiscal year 2025. The target expenditure rate for May is 66.67%. All departments are doing well keeping their total expenditure budget within the target rate. Some budget lines are fully expended early in the budget year while other lines like salaries and health insurance are paid on a monthly basis. The total General Fund expenditure rate, year to date is 70.84%. The higher rate than the target rate is due to capital items being purchased early in the new Fiscal Year. The Departmental expenditure rate breakdown is as follows:

Legislative:	62.04%
Executive:	59.84%
Finance:	71.11%
Legal:	56.50%
Planning:	12.41%
General Services:	67.92%
Law Enforcement:	67.25%
Fire:	66.00%
Code:	39.38%
Public Works:	63.03%
Grounds Keeping:	53.39%

Discussion Items:

The April FY25 Finance Memo should have had the target rate listed as 58.33%. I calculated the month of May's target rate, last month, in error.

The Town received Parking Revenue for May FY2025 in the amount of \$18,458.80.
 Parking revenue for May FY2024 was \$21,917.11.

- A Fiscal Year (FY) parking revenue comparison is attached.

A copy of the Attorney's monthly invoice is provided with the Finance Report.

FEMA Obligated Funds:

Hurricane IRMA: \$586,392.00

When the Town receives any obligated FEMA funds the amounts will be deducted from the above amounts. Any new funds that get obligated by FEMA will be added to the above amounts.

REVENUE AND EXPENDITURE FOR TOWN OF MELBOURNE BEACH
Balance As Of 05/31/2025

Fund: 001 GENERAL FUND						
Account Category: Revenues	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-00-311.00.00	AD VALOREM TAXES	2,830,233.00	2,830,233.00	0.00	85,898.65	96.96
001-00-312.41.00	LOCAL OPTION COUNTY GAS TAX	136,000.00	136,000.00	0.00	71,731.38	47.26
001-00-314.10.00	UTILITY SERVICES TAX FPL	285,000.00	285,000.00	0.00	105,428.78	63.01
001-00-314.30.00	UTILITY SERVICES TAX WATER	60,000.00	60,000.00	0.00	23,608.80	60.65
001-00-314.40.00	UTILITY SERVICES TAX GAS	0.00	0.00	0.00	(589.23)	100.00
001-00-314.40.10	UTILTIY GAS TAX AMERIGAS	7,000.00	7,000.00	0.00	1,246.45	82.19
001-00-314.40.20	UTILITY GAS TAX SUBURBAN	1,000.00	1,000.00	0.00	55.18	94.48
001-00-314.40.30	UTILTIY GAS TAX FERRELL	3,000.00	3,000.00	0.00	265.18	91.16
001-00-314.40.40	UTILITY GAS TAX SAM'S GAS	300.00	300.00	0.00	(240.10)	180.03
001-00-315.00.00	COMMUNICATIONS SERVICE TAX	145,000.00	145,000.00	0.00	58,781.45	59.46
001-00-316.00.00	OCCP. LIC	16,000.00	16,000.00	0.00	4,254.22	73.41
001-00-323.10.00	FRANCHISE FEES FPL	216,000.00	216,000.00	0.00	109,988.83	49.08
001-00-323.70.00	FRANCHISE FEES SOLID WASTE	50,000.00	50,000.00	0.00	(10,472.29)	120.94
001-00-323.70.10	SOLID WASTE COMMERCIAL	16,000.00	16,000.00	0.00	(607.16)	103.79
001-00-329.20.00	BONFIRE PERMIT	900.00	900.00	0.00	(700.00)	177.78
001-00-329.50.00	LOW SPEED VEHICLE REGISTRATION	2,000.00	2,000.00	0.00	500.00	75.00
001-00-329.50.10	LOW SPEED VEHICLE PERMIT FEE	13,000.00	13,000.00	0.00	11,450.00	11.92
001-00-331.12.00	FEMA	0.00	0.00	0.00	(43,500.00)	100.00
001-00-334.40.00	FMIT SAFETY GRANT	5,000.00	5,000.00	0.00	5,000.00	0.00
001-00-335.12.00	STATE REVENUE SHARING PROCEEDS	106,000.00	106,000.00	0.00	40,343.54	61.94
001-00-335.15.00	ALCOHOLIC BEVERAGE LICENSES	44,000.00	44,000.00	0.00	38,217.62	13.14
001-00-335.18.00	HALF CENT SALES TAX LOCAL GOV	230,000.00	230,000.00	0.00	116,384.73	49.40
001-00-342.20.00	SAFETY INSPECT FEE VAC RENTAL	1,650.00	1,650.00	0.00	(50.00)	103.03
001-00-342.20.10	SAFETY RENEWAL-VAC RENTALS	2,500.00	2,500.00	0.00	(1,335.00)	153.40
001-00-345.10.00	VAC RENTAL APP FEE-INITIAL	5,500.00	5,500.00	0.00	(650.00)	111.82
001-00-345.10.10	VAC RENEWAL FEE - RENTALS	4,550.00	4,550.00	0.00	(6,265.00)	237.69
001-00-349.00.29	LIEN SEARCH REQUEST	1,260.00	1,260.00	0.00	(990.00)	178.57
001-00-361.10.00	INTEREST ON INVESTMENTS	23,000.00	23,000.00	0.00	(10,823.70)	147.06

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-00-366.21.00	DONATIONS	0.00	0.00	0.00	(2,264.00)	100.00
001-00-369.00.00	MISCELLANEOUS REVENUE	3,200.00	3,200.00	0.00	(8,037.45)	351.17
001-00-369.00.49	INSURANCE RECOVERY	100.00	100.00	0.00	100.00	0.00
001-00-381.00.00	TRANSFERS IN	3,800.00	3,800.00	0.00	3,800.00	0.00
						85.98
Department: 21 LAW ENFORCEME						
001-21-312.52.00	INSURANCE PREMIUM TAX	52,500.00	52,500.00	0.00	52,500.00	0.00
001-21-337.20.00	SCHOOL RESOURCE OFFICER	72,000.00	72,000.00	0.00	0.00	100.00
001-21-337.90.01	OTHER GRANTS	5,000.00	5,000.00	0.00	5,000.00	0.00
001-21-347.90.01	SPECIAL EVENTS	1,000.00	1,000.00	0.00	1,000.00	0.00
001-21-351.00.00	FINES - LAW ENFORCEMENT	5,000.00	5,000.00	0.00	(2,806.79)	156.14
001-21-351.13.00	PARKING TICKETS	500.00	500.00	0.00	500.00	0.00
001-21-351.13.10	ACCIDENT REPORT	200.00	200.00	0.00	44.00	78.00
001-21-369.00.00	MISCELLANEOUS REVENUE	0.00	0.00	0.00	(7.00)	100.00
						58.71
Department: 22 FIRE CONTROL						
001-22-322.30.00	FIRE PROTECTIVE SERVICES	4,500.00	4,500.00	0.00	2,350.00	47.78
001-22-364.20.00	DISPOSAL OF ASSETS - OTHER	100.00	100.00	0.00	100.00	0.00
001-22-369.55.10	SHARED TRAINING	300.00	300.00	0.00	300.00	0.00
						43.88
Department: 29 CODE ENFORCEM						
001-29-359.00.00	OTHER FINES AND FORFEITURES	300.00	300.00	0.00	300.00	0.00
						0.00
Department: 41 PUBLIC WORKS						
001-41-364.10.00	DISPOSAL OF ASSETS - VEHICLES	100.00	100.00	0.00	100.00	0.00
						0.00
Revenues						85.07
Account Category: Expenditures						
Department: 00						
001-00-581.00.00	TRANSFER OUT	638,918.92	638,918.92	0.00	0.00	100.00

Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
						100.00
Department: 11 LEGISLATIVE						
001-11-500.11.00	EXECUTIVE SALARIES	16,200.00	16,200.00	0.00	6,788.44	58.10
001-11-500.12.00	REGULAR SALARIES	66,274.00	66,274.00	0.00	16,014.01	75.84
001-11-500.21.00	FICA TAXES - EMPLOYER PORTION	6,309.00	6,309.00	0.00	1,990.50	68.45
001-11-500.22.20	RETIREMENT TOWN EMPLOYEES	9,033.00	9,033.00	0.00	2,182.56	75.84
001-11-500.23.01	HEALTH INSURANCE	6,561.00	6,561.00	0.00	1,640.79	74.99
001-11-500.23.02	LIFE INSURANCE	70.00	70.00	0.00	2.44	96.51
001-11-500.25.00	UNEMPLOYMENT COMPENSATION	99.00	99.00	0.00	44.11	55.44
001-11-510.31.00	PROFESSIONAL SERVICES	18,300.00	18,300.00	0.00	16,958.01	7.33
001-11-510.40.00	TRAVEL & MEETINGS	4,465.00	4,465.00	0.00	1,599.02	64.19
001-11-510.40.10	TRAVEL & MEETINGS - STAFF	1,900.00	1,900.00	0.00	433.93	77.16
001-11-510.47.00	PRINTING	6,995.72	6,995.72	0.00	2,481.99	64.52
001-11-510.48.00	PROMOTIONAL ACTIVITIES	400.00	400.00	0.00	214.65	46.34
001-11-510.48.40	LEGAL NOTICES	5,000.00	5,000.00	0.00	3,134.23	37.32
001-11-510.49.50	ELECTION EXPENSE	2,000.00	2,000.00	0.00	1,742.47	12.88
001-11-510.54.00	DUES & SUBSCRIPTIONS	830.00	830.00	0.00	(2,481.51)	398.98
001-11-510.54.10	TRAINING & SCHOOLS	3,540.00	3,540.00	0.00	2,590.00	26.84
001-11-543.00.00	LICENSES & FEES	40,436.00	40,436.00	0.00	16,193.95	59.95
						62.04
Department: 12 EXECUTIVE						
001-12-500.12.00	REGULAR SALARIES	159,118.00	159,118.00	0.00	64,823.63	59.26
001-12-500.21.00	FICA TAXES - EMPLOYER PORTION	12,173.00	12,173.00	0.00	4,295.82	64.71
001-12-500.22.01	RETIREMENT - ICMA	21,592.00	21,592.00	0.00	11,257.42	47.86
001-12-500.22.20	RETIREMENT TOWN EMPLOYEES	5,445.00	5,445.00	0.00	2,921.39	46.35
001-12-500.23.01	HEALTH INSURANCE	16,212.00	16,212.00	0.00	239.21	98.52
001-12-500.23.02	LIFE INSURANCE	916.00	916.00	0.00	370.77	59.52
001-12-500.25.00	UNEMPLOYMENT COMPENSATION	191.00	191.00	0.00	86.93	54.49
001-12-510.40.00	TRAVEL & MEETINGS	2,200.00	2,200.00	0.00	2,157.76	1.92
001-12-510.49.99	MISCELLANEOUS	400.00	400.00	0.00	400.00	0.00
001-12-510.52.50	GAS & OIL	2,400.00	2,400.00	0.00	800.00	66.67

	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
001-12-510.54.00	DUES & SUBSCRIPTIONS	3,430.00	3,430.00	0.00	2,178.67	36.48
001-12-510.54.10	TRAINING & SCHOOLS	1,000.00	1,000.00	0.00	860.96	13.90
						59.84
Department: 13 FINANCE						
001-13-500.12.00	REGULAR SALARIES	119,630.00	119,630.00	0.00	43,898.52	63.30
001-13-500.21.00	FICA TAXES - EMPLOYER PORTION	9,152.00	9,152.00	0.00	3,449.60	62.31
001-13-500.22.20	RETIREMENT TOWN EMPLOYEES	16,306.00	16,306.00	0.00	5,925.40	63.66
001-13-500.23.01	HEALTH INSURANCE	25,604.00	25,604.00	0.00	3,332.84	86.98
001-13-500.23.02	LIFE INSURANCE	136.00	136.00	0.00	34.66	74.51
001-13-500.25.00	UNEMPLOYMENT COMPENSATION	155.00	155.00	0.00	72.83	53.01
001-13-510.32.00	AUDITING SERVICES	37,500.00	37,500.00	0.00	3,488.00	90.70
001-13-510.32.90	BANKING FEES	10,540.00	10,540.00	0.00	4,506.47	57.24
001-13-510.40.00	TRAVEL & MEETINGS	1,550.00	1,550.00	0.00	475.00	69.35
001-13-510.47.00	PRINTING	216.00	216.00	0.00	179.80	16.76
001-13-510.54.00	DUES & SUBSCRIPTIONS	60.00	60.00	0.00	60.00	0.00
001-13-510.54.10	TRAINING & SCHOOLS	900.00	900.00	0.00	900.00	0.00
001-13-543.00.00	LICENSES & FEES	7,785.00	7,785.00	0.00	0.00	100.00
						71.11
Department: 14 LEGAL COUNSEL						
001-14-510.31.00	PROFESSIONAL SERVICES	106,000.00	106,000.00	0.00	40,041.95	62.22
001-14-510.31.01	CODE ENFORCEMENT ATTORNEY	19,200.00	19,200.00	0.00	14,420.00	24.90
						56.50
Department: 15 PLANNING						
001-15-510.31.00	PROFESSIONAL SERVICES	35,000.00	35,000.00	0.00	30,656.25	12.41
						12.41
Department: 16 HURRICANE EXPE						
001-16-520.51.00	OFFICE SUPPLIES	0.00	0.00	0.00	(915.70)	100.00
001-16-520.52.05	PROTECTIVE GEAR	0.00	0.00	0.00	(294.23)	100.00
001-16-520.52.20	TOOLS & HARDWARE	0.00	0.00	0.00	(90.00)	100.00
001-16-530.46.35	PIER MAINTENANCE	0.00	0.00	0.00	(4,744.52)	100.00
	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used

001-16-530.46.40	GROUNDS MAINTENANCE	0.00	0.00	0.00	(2,319.85)	100.00
001-16-534.00.00	SOLID WASTE SERVICES	0.00	0.00	0.00	(43,500.00)	100.00
						100.00

Department: 19 GENERAL SERVIC

001-19-500.24.00	WORKERS COMPENSATION	400.00	400.00	0.00	400.00	0.00
001-19-510.31.00	PROFESSIONAL SERVICES	3,920.00	3,920.00	0.00	1,043.75	73.37
001-19-510.31.11	SECURITY	411.00	411.00	0.00	411.00	0.00
001-19-510.34.10	JANITORIAL SERVICES	15,500.00	15,500.00	0.00	3,509.00	77.36
001-19-510.35.00	PRE-EMPLOYMENT EXP	0.00	0.00	0.00	(112.00)	100.00
001-19-510.41.00	TELEPHONE	24,876.00	24,876.00	0.00	13,441.34	45.97
001-19-510.41.10	COMMUNICATION SERVICES	39,658.00	39,658.00	0.00	3,168.28	92.01
001-19-510.43.00	STREET LIGHTS	51,000.00	51,000.00	0.00	21,138.79	58.55
001-19-510.43.10	ELECTRICITY	28,000.00	28,000.00	0.00	11,223.45	59.92
001-19-510.43.20	WATER & SEWER	4,000.00	4,000.00	0.00	1,272.46	68.19
001-19-510.43.50	WASTE TAX SERVICE	2,500.00	2,500.00	0.00	(1,414.44)	156.58
001-19-510.45.00	GENERAL LIABILITY INSURANCE	91,903.00	91,903.00	0.00	28,487.50	69.00
001-19-510.45.01	FLOOD INSURANCE	6,655.00	6,655.00	0.00	6,655.00	0.00
001-19-510.45.02	PROPERTY INSURANCE	124,200.00	124,200.00	0.00	19,952.25	83.94
001-19-510.45.03	AUTO INSURANCE	11,238.00	11,238.00	0.00	2,989.50	73.40
001-19-510.46.10	OFFICE EQUIPMENT MAINTENANCE	3,588.00	3,588.00	0.00	843.35	76.50
001-19-510.46.15	EQUIPMENT MAINTENANCE	20,000.00	20,000.00	0.00	19,264.63	3.68
001-19-510.46.30	HEALTHY ENVIRONMENT BLDG MAINTEN	0.00	0.00	0.00	(3,420.00)	100.00
001-19-510.46.36	PEST CONTROL	3,720.00	3,720.00	0.00	1,240.00	66.67
001-19-510.49.98	CONTINGENCY	9,004.28	9,004.28	0.00	9,004.28	0.00
001-19-510.51.00	OFFICE SUPPLIES	3,500.00	3,500.00	0.00	291.91	91.66
001-19-510.51.10	POSTAGE	1,500.00	1,500.00	0.00	585.69	60.95
001-19-510.52.10	JANITORIAL SUPPLIES	6,000.00	6,000.00	0.00	3,412.78	43.12
001-19-510.54.00	DUES & SUBSCRIPTIONS	400.00	400.00	0.00	4.97	98.76
001-19-510.64.01	CAPITAL OUTLAY	30,000.00	30,000.00	0.00	21,111.10	29.63
001-19-543.00.00	LICENSES & FEES	22,277.00	22,277.00	0.00	(335.65)	101.51

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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001-19-581.00.00	TRANSFER OUT	7,500.00	7,500.00	0.00	0.00	100.00
						67.92
Department: 21 LAW ENFORCEME						
001-21-500.12.00	REGULAR SALARIES	739,793.00	739,793.00	0.00	270,309.17	63.46
001-21-500.12.50	HOLIDAY PAY	29,634.00	29,634.00	0.00	964.51	96.75
001-21-500.14.00	SALARIES OVERTIME	5,000.00	5,000.00	0.00	(4,366.49)	187.33
001-21-500.14.16	HURRICANE PAY	32,328.00	32,328.00	0.00	11,693.36	63.83
001-21-500.15.00	EDUCATION INCENTIVE PAY	7,150.00	7,150.00	0.00	1,680.71	76.49
001-21-500.15.01	FIRST RESPONDER	6,000.00	6,000.00	0.00	1,692.86	71.79
001-21-500.21.00	FICA TAXES - EMPLOYER PORTION	62,723.00	62,723.00	0.00	22,841.36	63.58
001-21-500.22.02	POLICE PENSION	167,850.00	167,850.00	0.00	76,850.00	54.22
001-21-500.22.20	RETIREMENT TOWN EMPLOYEES	5,443.00	5,443.00	0.00	3,621.51	33.46
001-21-500.23.01	HEALTH INSURANCE	116,155.00	116,155.00	0.00	31,048.78	73.27
001-21-500.23.02	LIFE INSURANCE	2,766.00	2,766.00	0.00	696.28	74.83
001-21-500.23.10	STATUTORY AD&D	1,163.00	1,163.00	0.00	1,163.00	0.00
001-21-500.24.00	WORKERS COMPENSATION	9,398.00	9,398.00	0.00	0.00	100.00
001-21-500.25.00	UNEMPLOYMENT COMPENSATION	984.00	984.00	0.00	400.48	59.30
001-21-520.31.00	PROFESSIONAL SERVICES	725.00	725.00	0.00	575.00	20.69
001-21-520.34.40	DISPATCHING SERVICES	19,510.00	19,510.00	0.00	(290.00)	101.49
001-21-520.35.00	PRE-EMPLOYMENT EXPENSE	1,200.00	1,200.00	0.00	707.05	41.08
001-21-520.40.00	TRAVEL & MEETINGS	1,892.00	1,892.00	0.00	1,089.31	42.43
001-21-520.41.10	COMMUNICATION SERVICES	6,972.00	6,972.00	0.00	(788.92)	111.32
001-21-520.46.10	OFFICE EQUIPMENT MAINTENANCE	200.00	200.00	0.00	172.02	13.99
001-21-520.46.15	EQUIPMENT	11,260.00	11,260.00	0.00	2,869.23	74.52
001-21-520.46.16	RADAR CALIBRATION	550.00	550.00	0.00	149.50	72.82
001-21-520.46.20	VEHICLE MAINTENANCE	17,000.00	17,000.00	0.00	4,732.84	72.16
001-21-520.48.00	PROMOTIONAL ACTIVITIES	800.00	800.00	0.00	(193.17)	124.15
001-21-520.48.50	CRIME PREVENTION	500.00	500.00	0.00	500.00	0.00
001-21-520.51.10	POSTAGE	0.00	0.00	0.00	(86.52)	100.00
001-21-520.52.00	UNIFORMS	8,500.00	8,500.00	0.00	3,561.09	58.10
001-21-520.52.05	PROTECTIVE GEAR	13,531.00	13,531.00	0.00	6,555.58	51.55
Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used

001-21-520.52.50	GAS & OIL	20,000.00	20,000.00	0.00	7,009.71	64.95
001-21-520.52.70	MEDICAL	1,014.00	1,014.00	0.00	588.09	42.00
001-21-520.52.90	OPERATING SUPPLIES	2,400.00	2,400.00	0.00	790.96	67.04
001-21-520.54.00	DUES & SUBSCRIPTIONS	695.00	695.00	0.00	10.00	98.56
001-21-520.54.10	TRAINING & SCHOOLS	2,900.00	2,900.00	0.00	370.00	87.24
001-21-520.64.01	Capital Outlay	30,121.00	30,121.00	0.00	(128.18)	100.43
001-21-543.00.00	LICENSES & FEES	45,580.00	45,580.00	0.00	2,449.30	94.63
						67.25

Department: 22 FIRE CONTROL

001-22-500.12.00	REGULAR SALARIES	101,038.00	101,038.00	0.00	35,818.78	64.55
001-22-500.14.16	HURRICANE PAY	1,890.00	1,890.00	0.00	(311.65)	116.49
001-22-500.14.50	STIPEND PAYROLL	38,000.00	38,000.00	0.00	28,708.00	24.45
001-22-500.21.00	FICA TAXES - EMPLOYER PORTION	10,636.00	10,636.00	0.00	4,752.95	55.31
001-22-500.22.01	RETIREMENT - ICMA	9,753.00	9,753.00	0.00	3,287.49	66.29
001-22-500.22.20	RETIREMENT TOWN EMPLOYEES	4,019.00	4,019.00	0.00	1,654.01	58.85
001-22-500.23.01	HEALTH INSURANCE	36,795.00	36,795.00	0.00	18,759.04	49.02
001-22-500.23.02	LIFE INSURANCE	136.00	136.00	0.00	40.29	70.38
001-22-500.23.10	STATUTORY AD&D	380.00	380.00	0.00	380.00	0.00
001-22-500.24.00	WORKERS COMPENSATION	9,000.00	9,000.00	0.00	8,502.25	5.53
001-22-500.25.00	UNEMPLOYMENT COMPENSATION	161.00	161.00	0.00	90.76	43.63
001-22-520.31.00	PROFESSIONAL SERVICES	1,000.00	1,000.00	0.00	1,000.00	0.00
001-22-520.34.40	DISPATCHING SERVICES	5,670.00	5,670.00	0.00	2,870.00	49.38
001-22-520.35.00	PRE-EMPLOYMENT EXPENSE	744.00	744.00	0.00	613.00	17.61
001-22-520.36.00	ANNUAL PHYSICALS	2,500.00	2,500.00	0.00	2,000.00	20.00
001-22-520.40.00	TRAVEL & MEETINGS	1,000.00	1,000.00	0.00	387.07	61.29
001-22-520.41.10	COMMUNICATION SERVICES	1,944.00	1,944.00	0.00	456.84	76.50
001-22-520.46.15	EQUIPMENT	10,000.00	10,000.00	0.00	8,180.42	18.20
001-22-520.46.20	VEHICLE MAINTENANCE	28,000.00	28,000.00	0.00	12,019.59	57.07
001-22-520.46.30	BUILDING MAINTENANCE	2,000.00	2,000.00	0.00	413.70	79.32
001-22-520.51.00	OFFICE SUPPLIES	600.00	600.00	0.00	268.73	55.21
001-22-520.52.00	UNIFORMS	5,000.00	5,000.00	0.00	2,983.87	40.32

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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001-22-520.52.02	S.C.B.A.	4,000.00	4,000.00	0.00	1,238.36	69.04
001-22-520.52.05	PROTECTIVE GEAR	3,200.00	3,200.00	0.00	1,726.25	46.05
001-22-520.52.10	JANITORIAL SUPPLIES	1,000.00	1,000.00	0.00	748.23	25.18
001-22-520.52.20	TOOLS & HARDWARE	3,000.00	3,000.00	0.00	1,919.75	36.01
001-22-520.52.50	GAS & OIL	3,200.00	3,200.00	0.00	2,192.21	31.49
001-22-520.52.70	MEDICAL	1,400.00	1,400.00	0.00	1,400.00	0.00
001-22-520.54.00	DUES & SUBSCRIPTIONS	610.00	610.00	0.00	251.00	58.85
001-22-520.54.10	TRAINING & SCHOOLS	5,525.00	5,525.00	0.00	3,130.00	43.35
001-22-520.54.12	TRAINING MATERIALS	2,000.00	2,000.00	0.00	(286.81)	114.34
001-22-520.64.01	Capital Outlay	82,369.00	82,369.00	0.00	2,909.98	96.47
001-22-543.00.00	LICENSES & FEES	24,983.00	24,983.00	0.00	328.15	98.69
001-22-581.00.00	TRANSFER OUT	35,000.00	35,000.00	0.00	0.00	100.00
						66.00

Department: 29 CODE ENFORCEMENT

001-29-500.12.00	REGULAR SALARIES	39,520.00	39,520.00	0.00	24,586.85	37.79
001-29-500.21.00	FICA TAXES - EMPLOYER PORTION	3,023.00	3,023.00	0.00	1,646.33	45.54
001-29-500.22.20	RETIREMENT TOWN EMPLOYEES	5,363.00	5,363.00	0.00	3,225.37	39.86
001-29-500.23.01	HEALTH INSURANCE	9,777.36	9,777.36	0.00	4,888.68	50.00
001-29-500.23.02	LIFE INSURANCE	45.04	45.04	0.00	22.52	50.00
001-29-500.23.10	STATUTORY AD&D	42.00	42.00	0.00	42.00	0.00
001-29-500.24.00	WORKERS COMPENSATION	300.00	300.00	0.00	300.00	0.00
001-29-500.25.00	UNEMPLOYMENT COMPENSATION	126.00	126.00	0.00	109.37	13.20
001-29-520.40.00	TRAVEL & MEETINGS	125.00	125.00	0.00	96.72	22.62
001-29-520.46.20	VEHICLE MAINTENANCE	150.00	150.00	0.00	150.00	0.00
001-29-520.48.55	FIRE PREVENTION	4,900.00	4,900.00	0.00	1,837.50	62.50
001-29-520.51.00	OFFICE SUPPLIES	0.00	0.00	0.00	(400.60)	100.00
001-29-520.51.10	POSTAGE	450.00	450.00	0.00	77.00	82.89
001-29-520.51.20	RECORDING COSTS	250.00	250.00	0.00	250.00	0.00
001-29-520.52.00	UNIFORMS	300.00	300.00	0.00	300.00	0.00
001-29-520.54.00	DUES & SUBSCRIPTIONS	150.00	150.00	0.00	150.00	0.00
001-29-520.54.10	TRAINING & SCHOOLS	300.00	300.00	0.00	300.00	0.00

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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001-29-520.64.01	Capital Outlay	40,177.60	40,177.60	0.00	26,677.60	33.60
001-29-543.00.00	LICENSES & FEES	1,000.00	1,000.00	0.00	0.00	100.00
						39.38
Department: 41 PUBLIC WORKS						
001-41-500.12.00	REGULAR SALARIES	230,932.00	230,932.00	0.00	82,317.30	64.35
001-41-500.14.00	SALARIES OVERTIME	1,500.00	1,500.00	0.00	770.38	48.64
001-41-500.14.16	HURRICANE PAY	0.00	0.00	0.00	(1,740.35)	100.00
001-41-500.21.00	FICA TAXES - EMPLOYER PORTION	17,666.30	17,666.30	0.00	6,000.20	66.04
001-41-500.22.20	RETIREMENT TOWN EMPLOYEES	31,476.03	31,476.03	0.00	10,984.12	65.10
001-41-500.23.01	HEALTH INSURANCE	38,510.00	38,510.00	0.00	9,928.28	74.22
001-41-500.23.02	LIFE INSURANCE	534.00	534.00	0.00	319.22	40.22
001-41-500.23.10	STATUTORY AD&D	83.00	83.00	0.00	83.00	0.00
001-41-500.24.00	WORKERS COMPENSATION	19,796.00	19,796.00	0.00	4.50	99.98
001-41-500.25.00	UNEMPLOYMENT COMPENSATION	277.12	277.12	0.00	112.59	59.37
001-41-530.43.15	ELECTRICAL WORK	8,000.00	8,000.00	0.00	7,725.00	3.44
001-41-530.43.50	DUMP SERVICE	160.00	160.00	0.00	160.00	0.00
001-41-530.46.12	MAINTENANCE SUPPLIES	1,500.00	1,500.00	0.00	1,005.78	32.95
001-41-530.46.15	EQUIPMENT MAINTENANCE	5,000.00	5,000.00	0.00	4,987.81	0.24
001-41-530.46.20	VEHICLE MAINTENANCE	13,000.00	13,000.00	0.00	1,840.59	85.84
001-41-530.46.30	BUILDING MAINTENANCE	13,000.00	13,000.00	0.00	9,857.51	24.17
001-41-530.46.31	MAINTENANCE OLD TOWN HALL	500.00	500.00	0.00	(1,026.25)	305.25
001-41-530.46.32	RYCKMAN HOUSE	300.00	300.00	0.00	291.02	2.99
001-41-530.46.33	OLD POST OFFICE REPAIRS	300.00	300.00	0.00	300.00	0.00
001-41-530.46.35	PIER MAINTENANCE	300.00	300.00	0.00	35.87	88.04
001-41-530.46.40	GROUNDS MAINTENANCE	6,500.00	6,500.00	0.00	2,795.29	57.00
001-41-530.46.43	TREE EXPENSE	2,709.00	2,709.00	0.00	2,709.00	0.00
001-41-530.52.00	UNIFORMS	1,875.00	1,875.00	0.00	1,493.96	20.32
001-41-530.52.05	PROTECTIVE GEAR	1,000.00	1,000.00	0.00	(293.26)	129.33
001-41-530.52.20	TOOLS & HARDWARE	5,500.00	5,500.00	0.00	(71.59)	101.30
001-41-530.52.25	TOOL RENTALS	1,000.00	1,000.00	0.00	1,000.00	0.00
001-41-530.52.50	GAS & OIL	7,500.00	7,500.00	0.00	4,638.69	38.15
Description		ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used

001-41-530.53.10	STREET REPAIR	9,000.00	9,000.00	0.00	8,779.21	2.45
001-41-530.53.20	STREET SIGNS	3,800.00	3,800.00	0.00	(1,497.71)	139.41
001-41-530.54.10	TRAINING & SCHOOLS	500.00	500.00	0.00	71.25	85.75
001-41-530.64.01	CAPITAL OUTLAY	4,000.00	4,000.00	0.00	4,000.00	0.00
						63.03

Department: 42 GROUNDS KEEPIN

001-42-530.34.91	LANDSCAPING	15,000.00	15,000.00	0.00	10,570.81	29.53
001-42-530.46.15	EQUIPMENT MAINTENANCE	3,700.00	3,700.00	0.00	1,923.93	48.00
001-42-530.46.40	GROUNDS MAINTENANCE	15,000.00	15,000.00	0.00	1,766.13	88.23
001-42-530.52.05	PROTECTIVE GEAR	200.00	200.00	0.00	54.23	72.89
001-42-530.52.20	TOOLS & HARDWARE	1,200.00	1,200.00	0.00	152.68	87.28
001-42-530.52.50	GAS & OIL	1,200.00	1,200.00	0.00	183.95	84.67
001-42-530.64.01	CAPITAL OUTLAY	4,250.00	4,250.00	0.00	4,250.00	0.00
						53.39

Expenditures

70.84

Fund: 104 ENVIRONMENTAL ADVIS

Account Category: Revenues

Department: 00

104-00-271.00.99	CARRY FORWARD	12,841.27	12,841.27	0.00	12,841.27	0.00
104-00-381.00.00	TRANSFERS IN	3,000.00	3,000.00	0.00	0.00	100.00
						18.94

Account Category: Expenditures

Department: 72 PARKS & RECREA

104-72-570.46.40	GROUNDS MAINTENANCE	500.00	500.00	0.00	500.00	0.00
104-72-570.46.43	TREE EXPENSE	500.00	500.00	0.00	500.00	0.00
104-72-570.49.90	ADOPT AN AREA	500.00	500.00	0.00	477.03	4.59
104-72-570.51.00	OFFICE SUPPLIES	350.00	350.00	0.00	350.00	0.00
104-72-570.52.00	UNIFORMS	80.00	80.00	0.00	80.00	0.00
104-72-570.64.01	CAPITAL OUTLAY	1,200.00	1,200.00	0.00	1,200.00	0.00

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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104-72-570.83.01	SUNSHINE JIM	1,500.00	1,500.00	0.00	114.50	92.37
104-72-570.90.01	SPECIAL EVENTS	0.00	0.00	0.00	(653.10)	100.00
						44.53

Fund: 107 PARKS BOARD

Account Category: Revenues

Department: 00

107-00-366.19.00	KID'S BUSINESS FAIR DONATIONS	6,500.00	6,500.00	0.00	1,130.00	82.62
107-00-381.00.00	TRANSFERS IN	2,304.64	2,304.64	0.00	0.00	100.00
						87.17

Account Category: Expenditures

Department: 72 PARKS & RECREATION

107-72-570.48.60	EASTER EGG HUNT	430.00	430.00	0.00	(691.96)	260.92
107-72-570.48.90	RECREATION PROGRAMS	2,000.00	2,000.00	0.00	1,877.52	6.12
107-72-570.48.91	KID'S BUSINESS FAIR	6,000.00	6,000.00	0.00	1,927.34	67.88
						63.07

Fund: 125 BUILDING DEPT

Account Category: Revenues

Department: 24 PROTECTIVE INSPECTION

125-24-322.00.00	BUILDING PERMITS	187,150.00	187,150.00	0.00	47,281.94	74.74
125-24-322.00.01	PERMIT SEARCH REQUEST	0.00	0.00	0.00	(300.00)	100.00
125-24-322.10.00	ZONING PLAN REVIEW	5,000.00	5,000.00	0.00	5,000.00	0.00
125-24-322.10.10	SITE PLAN REVIEW P&Z	7,020.00	7,020.00	0.00	4,827.50	31.23
125-24-322.20.00	BUILDING PLAN REVIEW	6,500.00	6,500.00	0.00	5,575.00	14.23
125-24-322.31.00	BOA ADVERTISING COSTS	450.00	450.00	0.00	(179.44)	139.88
125-24-329.00.00	OTHER LICENSES, FEES & PERMITS	11,500.00	11,500.00	0.00	(1,564.82)	113.61
125-24-329.00.10	BOA VARIANCE FEES	5,000.00	5,000.00	0.00	3,350.00	33.00
125-24-353.00.00	POLLUTION CONTROL	0.00	0.00	0.00	(500.00)	100.00
125-24-354.00.00	LOCAL ORDINANCE VIOLATION	6,000.00	6,000.00	0.00	(11,809.57)	296.83
125-24-369.00.00	MISCELLANEOUS REVENUE	100.00	100.00	0.00	100.00	0.00

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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125-24-381.00.00	TRANSFERS IN	22,000.00	22,000.00	0.00	0.00	100.00
						79.35
Account Category: Expenditures						
125-24-500.12.00	REGULAR SALARIES	165,324.00	165,324.00	0.00	46,090.85	72.12
125-24-500.14.00	SALARIES OVERTIME	500.00	500.00	0.00	(115.38)	123.08
125-24-500.14.16	HURRICANE PAY	0.00	0.00	0.00	(1,471.25)	100.00
125-24-500.21.00	FICA TAXES - EMPLOYER PORTION	12,685.54	12,685.54	0.00	3,465.05	72.69
125-24-500.22.20	RETIREMENT TOWN EMPLOYEES	22,601.81	22,601.81	0.00	6,065.89	73.16
125-24-500.23.01	HEALTH INSURANCE	12,050.52	12,050.52	0.00	4,016.84	66.67
125-24-500.23.02	LIFE INSURANCE	112.00	112.00	0.00	34.02	69.63
125-24-500.23.10	STATUTORY AD&D	42.00	42.00	0.00	42.00	0.00
125-24-500.25.00	UNEMPLOYMENT COMPENSATION	198.39	198.39	0.00	68.08	65.68
125-24-520.31.00	PROFESSIONAL SERVICES	27,167.92	27,167.92	0.00	27,167.92	0.00
125-24-520.40.00	TRAVEL & MEETINGS	0.00	0.00	0.00	(1,323.66)	100.00
125-24-520.41.10	COMMUNICATION SERVICES	390.00	390.00	0.00	(292.72)	175.06
125-24-520.46.20	VEHICLE MAINTENANCE	500.00	500.00	0.00	355.56	28.89
125-24-520.51.00	OFFICE SUPPLIES	75.00	75.00	0.00	(33.74)	144.99
125-24-520.51.10	POSTAGE	25.00	25.00	0.00	(4.04)	116.16
125-24-520.52.00	UNIFORMS	150.00	150.00	0.00	150.00	0.00
125-24-520.52.20	TOOLS & HARDWARE	100.00	100.00	0.00	100.00	0.00
125-24-520.52.50	GAS & OIL	350.00	350.00	0.00	(48.89)	113.97
125-24-520.54.00	DUES & SUBSCRIPTIONS	1,500.00	1,500.00	0.00	1,415.00	5.67
125-24-543.00.00	LICENSES & FEES	3,824.00	3,824.00	0.00	223.00	94.17
						85,904.53
						65.30
Fund: 172 OCEAN PARK PARKING						
Account Category: Revenues						
Department: 00						
172-00-271.00.99	CARRY FORWARD	92,614.95	92,614.95	0.00	92,614.95	0.00
						0.00

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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Department: 75 TOWN PARKS

172-75-342.10.00	PARKING TICKET REVENUE	7,500.00	7,500.00	0.00	3,625.00	51.67
172-75-344.50.00	PARKING METER REVENUE	82,000.00	82,000.00	0.00	10,955.10	86.64
				0.00	14,580.10	83.71
Account Category: Expenditures						
172-75-500.12.00	REGULAR SALARIES	50,000.00	50,000.00	0.00	27,788.43	44.42
172-75-500.12.50	HOLIDAY PAY	2,308.00	2,308.00	0.00	1,442.61	37.50
172-75-500.14.00	SALARIES OVERTIME	0.00	0.00	0.00	(216.35)	100.00
172-75-500.14.16	HURRICANE PAY	1,730.00	1,730.00	0.00	1,730.00	0.00
172-75-500.15.01	FIRST RESPONDER	600.00	600.00	0.00	325.00	45.83
172-75-500.21.00	FICA TAXES - EMPLOYER PORTION	3,825.00	3,825.00	0.00	2,033.56	46.84
172-75-500.23.01	HEALTH INSURANCE	7,164.00	7,164.00	0.00	7,164.00	0.00
172-75-500.23.02	LIFE INSURANCE	264.00	264.00	0.00	264.00	0.00
172-75-500.23.10	STATUTORY AD&D	106.00	106.00	0.00	106.00	0.00
172-75-500.24.00	WORKERS COMPENSATION	854.00	854.00	0.00	854.00	0.00
172-75-500.25.00	UNEMPLOYMENT COMPENSATION	67.00	67.00	0.00	42.64	36.36
172-75-575.31.02	LIFEGUARD CONTRACT	0.00	0.00	0.00	(13,962.75)	100.00
172-75-575.32.90	BANKING FEES	5,000.00	5,000.00	0.00	2,704.47	45.91
172-75-575.34.10	JANITORIAL CLEANING	1,800.00	1,800.00	0.00	(210.00)	111.67
172-75-575.34.91	LANDSCAPING	800.00	800.00	0.00	800.00	0.00
172-75-575.41.10	COMMUNICATIONS FEE	4,300.00	4,300.00	0.00	361.44	91.59
172-75-575.43.10	ELECTRICITY	2,400.00	2,400.00	0.00	918.48	61.73
172-75-575.43.20	WATER & SEWER	1,200.00	1,200.00	0.00	129.16	89.24
172-75-575.46.12	MAINTENANCE SUPPLIES	3,000.00	3,000.00	0.00	(1,430.07)	147.67
172-75-575.46.31	BUILDING MAINT RESTROOMS	950.00	950.00	0.00	619.28	34.81
172-75-575.46.40	GROUPS MAINTENANCE	500.00	500.00	0.00	(2,150.30)	530.06
172-75-575.52.10	JANITORIAL SUPPLIES	350.00	350.00	0.00	(267.78)	176.51
172-75-575.52.25	TOOL RENTAL	356.00	356.00	0.00	356.00	0.00
172-75-575.53.15	PARKING LOT REPAIRS	300.00	300.00	0.00	(4,690.00)	1,663.33
172-75-575.53.20	SIGNS	300.00	300.00	0.00	300.00	0.00
172-75-575.63.03	VOLLEYBALL COURT	500.00	500.00	0.00	78.22	84.36
	Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used

172-75-575.63.05	BOCCE BALL COURT	300.00	300.00	0.00	300.00	0.00
172-75-764.10.00	Filing Fee Clerk-Parking Ticke	0.00	0.00	0.00	(10.00)	100.00
					25,380.04	71.47

Fund: 175 RYCKMAN CROSSOVER

Account Category: Revenues

Department: 00

175-00-271.00.99	CARRY FORWARD	51,729.86	51,729.86	0.00	51,729.86	0.00
175-00-381.00.00	TRANSFERS IN	29,569.04	29,569.04	0.00	0.00	100.00
						36.37

Department: 75 TOWN PARKS

175-75-342.10.00	PARKING TICKET REVENUE	7,000.00	7,000.00	0.00	3,325.00	52.50
175-75-344.50.00	PARKING METER REVENUE	80,000.00	80,000.00	0.00	38,638.51	51.70
175-75-344.50.10	PARK PASS REVENUE	2,900.00	2,900.00	0.00	(1,900.00)	165.52
175-75-347.41.00	FOUNDER'S DAY	8,000.00	8,000.00	0.00	1,537.50	80.78
175-75-347.50.00	FACILITY RENTALS	5,000.00	5,000.00	0.00	(3,860.00)	177.20
175-75-347.90.01	SPECIAL EVENTS	0.00	0.00	0.00	(1,175.00)	100.00
					0.00	64.46

Account Category: Expenditures

175-75-575.32.90	BANKING FEES	2,800.00	2,800.00	0.00	1,269.64	54.66
175-75-575.41.15	IPS COMMUNICATION FEE	2,400.00	2,400.00	0.00	2.74	99.89
175-75-575.43.15	ELECTRICAL WORK/PARTS	0.00	0.00	0.00	(361.58)	100.00
175-75-575.46.30	BUILDING MAINTENANCE	0.00	0.00	0.00	(463.83)	100.00
175-75-575.47.00	PRINTING	1,500.00	1,500.00	0.00	397.86	73.48
175-75-575.48.10	FOUNDERS DAY	8,000.00	8,000.00	0.00	1,297.05	83.79
175-75-575.48.50	MOVIES IN THE PARK	1,350.00	1,350.00	0.00	296.35	78.05
175-75-575.48.51	FOURTH OF JULY	1,000.00	1,000.00	0.00	500.00	50.00
175-75-575.48.52	FALL FESTIVAL	4,000.00	4,000.00	0.00	2,053.24	48.67
175-75-575.48.53	CHRISTMAS DECORATIONS	4,500.00	4,500.00	0.00	(1,267.02)	128.16
175-75-575.49.98	CONTINGENCY	29,569.04	29,569.04	0.00	29,569.04	0.00
175-75-575.50.00	RECREATION PROGRAMS	9,350.00	9,350.00	0.00	6,375.00	31.82

Description	ORIGINAL BUDGET	Amended	Encumbrance	Available	% Used
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175-75-575.63.01	TENNIS COURT	250.00	250.00	0.00	(145.88)	158.35
175-75-575.63.02	BASKETBALL COURT	200.00	200.00	0.00	200.00	0.00
175-75-575.63.06	PLAYGROUND EQUIPMENT	5,000.00	5,000.00	0.00	4,979.06	0.42
175-75-575.64.01	CAPITAL OUTLAY	0.00	0.00	0.00	(3,669.12)	100.00
175-75-575.73.00	CULTURAL SERVICES	500.00	500.00	0.00	500.00	0.00
175-75-581.00.00	TRANSFER OUT	44,500.00	44,500.00	0.00	40,000.00	10.11
					81,532.55	29.05

Fund: 351 LAND & ROAD IMPROVE

Account Category: Revenues

Department: 00

351-00-271.00.99	CARRY FORWARD	44,181.27	44,181.27	0.00	44,181.27	0.00
351-00-381.00.00	TRANSFERS IN	40,000.00	40,000.00	0.00	40,000.00	0.00
						0.00

Account Category: Expenditures

351-00-581.00.00	TRANSFER OUT	29,569.04	29,569.04	0.00	0.00	100.00
						100.00

Department: 41 PUBLIC WORKS

351-41-570.34.91	LANDSCAPING	3,000.00	3,000.00	0.00	3,000.00	0.00
351-41-570.46.40	GROUNDS MAINTENANCE	2,500.00	2,500.00	0.00	2,500.00	0.00
351-41-570.53.20	STREET SIGNS	430.96	430.96	0.00	0.00	100.00
351-41-570.64.01	CAPITAL OUTLAY	17,500.00	17,500.00	0.00	17,500.00	0.00
						1.84

Parking Revenue FY Comparison

FY24	Oct-23	Nov-23	Dec-24	Jan-24	Feb-24	Mar-24	Apr-24	May-24	TOTAL
Ocean	4,323.54	3,669.99	2,544.37	2,412.50	3,359.78	10,650.19	10,584.79	11,999.21	49,544.37
Ryckman	5,616.47	4,085.40	5,833.19	5,111.66	6,927.64	10,600.74	9,782.44	9,917.90	57,875.44
Total	9,940.01	7,755.39	8,377.56	7,524.16	10,287.42	21,250.93	20,367.23	21,917.11	107,419.81

FY25	Oct-24	Nov-24	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	TOTAL
Ocean	5,743.63	2,900.74	2,869.44	3,091.02	7,803.67	16,387.80	16,124.74	13,865.65	68,786.69
Ryckman	2,097.48	5,728.84	5,775.62	4,575.43	5,134.66	6,425.29	5,687.30	4,593.15	40,017.77
Total	7,841.11	8,629.58	8,645.06	7,666.45	12,938.33	22,813.09	21,812.04	18,458.80	108,804.46



SHEPARD, SMITH, HAND & BRACKINS, P.A.
ATTORNEYS & COUNSELORS AT LAW

INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25023
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240013 - Town of Melbourne Beach - General
Matter Name: General

Services

Date	Atty	Description	Quantity	Rate	Total
05-02-25	RGK	Email Correspondence: Emails with TM and Zach Chalifour RE: Audit Request	0.20	200.00	\$40.00
05-02-25	RGK	Email Correspondence: Emails from Zach Chalifour and Jennifer Kerr FW: Audit Request	0.10	200.00	\$20.00
05-04-25	RGK	Review court docket and news articles Re G&G Roofing and Town contract awarded to G&G Roofing	0.70	200.00	\$140.00
05-05-25	RGK	Email Correspondence: Email from Elizabeth Mascaro RE: ????? STR? Fw: Happy Palm Stays Availability	0.10	200.00	\$20.00
05-05-25	RGK	Email Correspondence: Emails with Amy Oaks RE: S-27 Supplement to Melbourne Beach Code - DRAFT	0.20	200.00	\$40.00
05-05-25	RGK	Meet with staff Re upcoming agenda items; attend Joint Workshop with Commission and Charter Review Committee	2.00	200.00	\$400.00
05-06-25	RGK	Revise and finalize CCNA continuing contracts for Construction Engineering Group, BSE Consultants, Bowman Consulting Group, and EDC	4.60	200.00	\$920.00
05-06-25	RGK	Email Correspondence: Email from Elizabeth Mascaro Re Vacation Rental Reports to 5-3-2025	0.10	200.00	\$20.00

05-06-25	RGK	Email Correspondence: Email to Jason Puwalski RE: Point of Contact	0.10	200.00	\$20.00
05-06-25	RGK	Email Correspondence: Email from Amy Oaks RE: S-27 Supplement to Melbourne Beach Code - DRAFT	0.10	200.00	\$20.00
05-06-25	RGK	Phone conference with Joe Columbo Re code enforcement hearing on 5/14	0.30	200.00	\$60.00
05-07-25	RGK	Email Correspondence: Email from Elizabeth Mascaro Re Building Official	0.10	200.00	\$20.00
05-07-25	RGK	Review Employee Handbook Re pre-hiring requirements for building official	0.30	200.00	\$60.00
05-07-25	RGK	Analyze Fla. Stat. 163.03 for clerk requirements for filing of political committee	0.30	200.00	\$60.00
05-07-25	RGK	Email Correspondence: Email to Elizabeth Mascaro Re Code Enforcement - STR Ordinance - Irreparable/Advertising	0.30	200.00	\$60.00
05-07-25	RGK	Email Correspondence: Emails with Elizabeth Mascaro RE: 394 River View Variance	0.10	200.00	\$20.00
05-13-25	RGK	Draft DOGE Resolution for 5/21 regular meeting	0.40	200.00	\$80.00
05-14-25	RGK	Review documentation related to 2017 qualification of engineering firms; draft memo Re same; revise technology board resolution; revise DOGE resolution for 5/21 agenda	1.50	200.00	\$300.00
05-14-25	RGK	Prepare for and attend code enforcement hearing; meet with staff Re same and upcoming agenda items for 5/21 regular meeting	3.50	200.00	\$700.00
05-15-25	RGK	Email Correspondence: Email from Elizabeth Mascaro Re New Hire's-Building Official and Code Enforcement	0.10	200.00	\$20.00
05-19-25	RGK	Email Correspondence: Email from TM Re RFQ Closed for Building	0.10	200.00	\$20.00
05-19-25	RGK	Prepare for 5/21 meeting; review agenda and all agenda items	2.70	200.00	\$540.00
05-21-25	RGK	Meet with staff to discuss agenda items; atten regular Commission meeting	7.00	200.00	\$1,400.00
05-21-25	RGK	Revise and finalize CCNA agreements with federal provisions, human trafficking affidavit, RFP, and bid submissions for BSE, Bowman, EDC, and Construction Engineering	2.10	200.00	\$420.00
05-21-25	RGK	Phone conference with Andrew Smith Re G&G Roofing	0.20	200.00	\$40.00
05-21-25	RGK	Prepare for 5/21 meeting; review agenda and all attachments in agenda packet	2.50	200.00	\$500.00

05-29-25	RGK	Email Correspondence: Email to Zach Chalifour Re Town of Melbourne Beach - James Moore 2024 Audit	0.10	200.00	\$20.00
05-30-25	RGK	Phone conference with Andrew Jordan re roofing RFP	0.20	200.00	\$40.00

Services Subtotal: \$6,000.00

Expenses

05-05-25	ER	RGK Travel Mileage, Melbourne Bch 4/28/25	1.00	116.20	\$116.20
05-12-25	ER	RGK Travel mileage; Melbourne 5/5;	1.00	116.20	\$116.20
05-29-25	ER	RGK Travel Mileage: Melbourne 5/21/25	1.00	116.20	\$116.20

Expenses Subtotal: \$348.60

Subtotal	\$6,348.60
Total	\$6,348.60
Payment	\$0.00
Balance Owing	\$6,348.60

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$6,348.60

Tax ID #32-0242557

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Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25024
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240208 - Town of Melbourne Beach - Building
Matter Name: Building

Services

Date	Atty	Description	Quantity	Rate	Total
05-06-25	RGK	Review RFQ for building official; draft Addendum to RFQ	0.40	200.00	\$80.00

Services Subtotal: \$80.00

Subtotal	\$80.00
Total	\$80.00
Payment	\$0.00
Balance Owing	\$80.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$80.00

Tax ID #32-0242557

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INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25025
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240209 - Town of Melbourne Beach - Elected Officials
Matter Name: Elected Officials

Services

Date	Atty	Description	Quantity	Rate	Total
05-01-25	RGK	Phone conference with Commissioner Barlow Re STRs and upcoming agenda items for regular meeting	0.80	200.00	\$160.00
05-05-25	RGK	Email Correspondence: Emails with Commissioner Baldwin Re: 2017 Engineering Contract discussion	0.10	200.00	\$20.00
05-05-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: G&G roofing? Pleading guilty to human trafficking violations - Roof contract just voted on - was g&G	0.20	200.00	\$40.00
05-05-25	RGK	Phone conference with Commissioner Butler Re upcoming agenda items and Roberts Rules	0.30	200.00	\$60.00
05-06-25	RGK	Email Correspondence: Email from Mayor Dennington Re FYI - expedited declaring judgment lawsuit re a provision like ours re appointment for vacant seats held "until the next general election"	0.10	200.00	\$20.00
05-06-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Interference Provisions in Charters	0.20	200.00	\$40.00
05-06-25	RGK	Email Correspondence: Email from Mayor Dennington Fw: Roofing in the town of Melbourne Beach	0.10	200.00	\$20.00

05-07-25	RGK	Email Correspondence: RE: Town Commission Workshop/Budget Workshop	0.50	200.00	\$100.00
05-07-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Town Commission Workshop/Budget Workshop	0.50	200.00	\$100.00
05-07-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: HR Complaint - building clerk statements	0.40	200.00	\$80.00
05-07-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Town Commission Workshop/Budget Workshop	0.40	200.00	\$80.00
05-08-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Town Commission Workshop/Budget Workshop	0.20	200.00	\$40.00
05-09-25	RGK	Email Correspondence: Emails with Commissioner Butler RE: An idea to share with you	0.30	200.00	\$60.00
05-10-25	RGK	Email Correspondence: Email from Mayor Dennington Re Florida today - Fw: Follow-Up on Our Discussion and PRR Clarification needed ?	0.10	200.00	\$20.00
05-12-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Florida today - Fw: Follow-Up on Our Discussion and PRR Clarification needed ?	0.20	200.00	\$40.00
05-13-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: FYI Palm coast charter provision lawsuit on vacancy filling "until the next general election	0.20	200.00	\$40.00
05-15-25	RGK	Email Correspondence: Emails with Commissioner Barlow RE: Cost-of-Living Adjustment (COLA)	0.20	200.00	\$40.00
05-15-25	RGK	Email Correspondence: Emails with Commissioner Butler RE: Cost-of-Living Adjustment (COLA)	0.20	200.00	\$40.00
05-15-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Question on one of DOGE docs -is this doc exempt in any way or a non-exempt PRR	0.20	200.00	\$40.00
05-16-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: May RTCM Agenda Packet	0.10	200.00	\$20.00
05-16-25	RGK	Email Correspondence: Email to Mayor Dennington RE: May RTCM Agenda Packet	0.10	200.00	\$20.00
05-16-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: May RTCM Agenda Packet	0.10	200.00	\$20.00
05-19-25	RGK	Email Correspondence: Emails with Commissioner Butler RE: Question	0.30	200.00	\$60.00
05-20-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Need advise and clarity on several issues and concerns - Fw: Letter to be read at regular town meeting May 21st	1.20	200.00	\$240.00
05-20-25	RGK	Email Correspondence: Emails from Mayor Dennington and Susan Martin Re: Records request	0.20	200.00	\$40.00

05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re FYI - town of melbourne beach - history not mentioned or researched by TA but highly relevant- but public record in Town records - see below BSE - July 28, 2022 meeting, still outstanding from Oct 2021 request for "consultant contracts" - history Fwd: ...	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re Cliff Repperger email to Torres - has old emails -- Fwd: Town of Melbourne Beach Invoice Statement from May 2020	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re FYI - history - Cliff Repperger 2020, 2021, and usb - failed to advise or communicate costs - so USBz sat undisclosed and unprovided through into 2022 - see also Torres - who says the TM hid them in her own desk	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re Runte - old emails - money donations solicited from Town email. Lots of these even aided by TM to get him new resident emails and names back inn2022	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re Melbourne Beach history - PRR past and continuing patterns - Prior recording consented, RE TA Cliff R bills sitting on TM desk for 8 months never told me	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington RE Amlegal Tracking history, changes and confusion of amendments and documents tracked, lack of chain of custody, etc Fwd: Tmb LDC emails 2015 from prior manager titcomb	0.20	200.00	\$40.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re Cliff Repperger's "computer hard drive" of all TA emails and records in his possession (also Planner separate emails in Planner possession and original "Consultant contracts" request including BSE - history dates to - Oct 2020	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Email from Mayor Dennington Re See Cliff email inventory discussion Melbourne Beach public records prior attorney	0.10	200.00	\$20.00
05-20-25	RGK	Phone conference with Commissioner Baldwin Re agenda items	0.10	200.00	\$20.00
05-20-25	RGK	Phone conference with Commissioner Barlow Re agenda items, STR enforcement, charter review provisions	0.90	200.00	\$180.00
05-21-25	RGK	Email Correspondence: Re: Records request	0.10	200.00	\$20.00
05-21-25	RGK	Email Correspondence: Email from Mayor Dennington Re Melbourne Beach Prior history - still relevant today Fwd: LITIGATION HOLD, request for records, and investigation and other matters related to the Town Of Melbourne Beach	0.20	200.00	\$40.00
05-21-25	RGK	Email Correspondence: Email from Mayor Dennington Re BSE - follow-up directly to BSE - long ago - also ignored Fwd: Public Records Request - Town of Melbourne Beach LITIGATION HOLD Request/demand	0.20	200.00	\$40.00
05-21-25	RGK	Email Correspondence: Email from Mayor Dennington Re History PRR, Runte bullying citizens about PRR and issuing improper "directives" to Staff - that are frequently sailed NOW to be improper - YET he did all the time explicitly- and THIS is the basis for the Trumped up Claim of costs to town, even though...	0.10	200.00	\$20.00

05-27-25	RGK	Email Correspondence: Emails with Mayor Dennington and Chief Zander Fw: Jan pence is passing packets all over my address and "All and Lephiew Dennington's Personal address"	0.30	200.00	\$60.00
05-28-25	RGK	Phone conference with Commissioner Butler Re upcoming special meetings	0.20	200.00	\$40.00
05-29-25	RGK	Email Correspondence: Emails with Mayor Dennington and Amber Brown RE: **Made me do a JustFOIA Email saying request is complete - It is NOT	0.10	200.00	\$20.00
05-29-25	RGK	Email Correspondence: Emails with Mayor Dennington RE: Please add to the packet when we do Charter Review Recommendations - Helpful 2025 and list of cities facts, figures, re clerks and sizes and structure chart with	0.20	200.00	\$40.00
05-30-25	RGK	Review complaint(s) submitted by Mayor Dennington; review FDLE procedures and Town police policies and procedures; analyze Fla. Stat Chapter 112	4.10	200.00	\$820.00
05-30-25	RGK	Phone conference with Elizabeth Mascaro Re Formal Written Complaint from Mayor Dennington	0.70	200.00	\$140.00
05-30-25	RGK	Email Correspondence: Email to Commissioners Re Public Meetings	0.40	200.00	\$80.00
05-31-25	RGK	Email Correspondence: Email from Mayor Dennington Re Griswold 2024 and 2025 police Departments Complaint and PRR outstanding - Fw: Town of Melbourne Beach - Public Records Request PRR-2024-27: Confirmation - Key Fobs and Town policy and Police Chief Griswald	0.20	200.00	\$40.00
05-31-25	RGK	Email Correspondence: Email from Mayor Dennington Re 2024 Griswold Complaint -bullying and false statements on key fob policies - see below - and Police PP at time (recd 15 months later), key fobs,	0.10	200.00	\$20.00
05-31-25	RGK	Email Correspondence: Email from Mayor Dennington Fw: Public records request in response to the bullying and hostile treatment I received today from the Police Chief	0.10	200.00	\$20.00
05-31-25	RGK	Email Correspondence: Email from Mayor Dennington Re: Records request	0.10	200.00	\$20.00
05-31-25	RGK	Search and review emails and correspondences Re Mayor's PRR for BSE documents and procurement documents	2.20	200.00	\$440.00

Services Subtotal: \$3,680.00

Subtotal	\$3,680.00
Total	\$3,680.00
Payment	\$0.00
Balance Owing	\$3,680.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$3,680.00

Tax ID #32-0242557

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INVOICE

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2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25026
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240210 - Town of Melbourne Beach - Finance
Matter Name: Finance

Services

Date	Atty	Description	Quantity	Rate	Total
05-01-25	RGK	Email Correspondence: Email from Jennifer Kerr FW: Town of Melbourne Beach Response	0.10	200.00	\$20.00
05-01-25	RGK	Email Correspondence: Email from Jennifer Kerr FW: Point of Contact	0.10	200.00	\$20.00
05-07-25	RGK	Phone conferences with Jennifer Kerr Re Building Official	0.40	200.00	\$80.00
05-07-25	RGK	Email Correspondence: Emails from Jennifer Kerr RE: Question re process, policies and info re hiring practices general and specific for prospective hires- : Building Official	0.10	200.00	\$20.00

Services Subtotal: \$140.00

Subtotal	\$140.00
Total	\$140.00
Payment	\$0.00
Balance Owning	\$140.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$140.00

Tax ID #32-0242557

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INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25027
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240212 - Town of Melbourne Beach - Police
Matter Name: Police

Services

Date	Atty	Description	Quantity	Rate	Total
05-30-25	RGK	Phone conference with Deputy Chief Smith Re Complaint received from Mayor Dennington	0.30	200.00	\$60.00

Services Subtotal: \$60.00

Subtotal	\$60.00
Total	\$60.00
Payment	\$0.00
Balance Owing	\$60.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$60.00

Tax ID #32-0242557

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INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25028
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240213 - Town of Melbourne Beach - Public Works
Matter Name: Public Works

Services

Date	Atty	Description	Quantity	Rate	Total
05-14-25	AJH	Analysis re: CCNA	0.30	225.00	\$67.50

Services Subtotal: \$67.50

Subtotal	\$67.50
Total	\$67.50
Payment	\$0.00
Balance Owing	\$67.50

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$67.50

Tax ID #32-0242557

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INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25029
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 240214 - Town of Melbourne Beach - Town Clerk
Matter Name: Town Clerk

Services

Date	Atty	Description	Quantity	Rate	Total
05-05-25	RGK	Email Correspondence: Review emails related to DOGE; Emails with Amber Brown RE: Request for correspondence to DOGE	0.50	200.00	\$100.00
05-07-25	RGK	Email Correspondence: Email to Amber Brown Re Statement of Organization of Political Committee	0.10	200.00	\$20.00
05-09-25	RGK	Email Correspondence: Emails with Cyd Cardwell RE: New Business Application; Review Town Code for BTR requirements and compliance	0.30	200.00	\$60.00
05-14-25	RGK	Phone conference with Amber Brown Re agenda items and attachments	0.30	200.00	\$60.00
05-15-25	RGK	Email Correspondence: Email from Amber Brown Re Emails requesting the BSE contract and responses	0.10	200.00	\$20.00
05-20-25	RGK	Email Correspondence: Emails with Amber Brown RE: Public Comment During Meetings	0.20	200.00	\$40.00
05-29-25	RGK	Phone conference with Amber Brown Re code enforcement order certified mail required mailings	0.20	200.00	\$40.00

Services Subtotal: \$340.00

Subtotal	\$340.00
Total	\$340.00
Payment	\$0.00
Balance Owing	\$340.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$340.00

Tax ID #32-0242557
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INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25030
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number:240215 - Town of Melbourne Beach - Town Manager
Matter Name:Town Manager

Services

Date	Atty	Description	Quantity	Rate	Total
05-02-25	RGK	Phone conference with Elizabeth Mascaro Re audit request	0.30	200.00	\$60.00
05-05-25	RGK	Phone conference with Elizabeth Mascaro Re G&G Roofing agreement and employee survey	0.50	200.00	\$100.00
05-05-25	RGK	Email Correspondence: Email to Elizabeth Mascaro Re Employee Survey	0.10	200.00	\$20.00
05-06-25	RGK	Multiple phone conferences with TM Re RFQ for building official and emergency services	0.40	200.00	\$80.00
05-06-25	RGK	Email Correspondence: Emails with Elizabeth Mascaro RE: JPI services - Building Official Contract services	0.20	200.00	\$40.00
05-07-25	RGK	Phone conference with TM Re Building Official and STR Ordinance	0.50	200.00	\$100.00
05-07-25	RGK	Phone conferences with TM Re G&G Roofing and Building Official	0.30	200.00	\$60.00
05-08-25	RGK	Email Correspondence: Emails with TM RE: G&G Roofing Notice of Commencement	0.10	200.00	\$20.00
05-09-25	RGK	Phone conference with TM Re G&G Roofing and upcoming agenda items	0.70	200.00	\$140.00

05-14-25	RGK	Phone conference with TM Re update on building official and code enforcement officer	0.30	200.00	\$60.00
05-20-25	RGK	Phone conference with TM Re Roofing contract, agenda items, and code enforcement	0.50	200.00	\$100.00
05-21-25	RGK	Email Correspondence: Email to TM Re CCNA Draft Agreements	0.10	200.00	\$20.00
05-21-25	RGK	Phone conferences with TM Re G&G Roofing, RFP, and CCNA agreements	0.50	200.00	\$100.00
05-28-25	RGK	Phone conference with TM Re CCNAs, pricing sheets, and upcoming special meetings agenda	0.50	200.00	\$100.00

Services Subtotal: \$1,000.00

Subtotal	\$1,000.00
Total	\$1,000.00
Payment	\$0.00
Balance Owing	\$1,000.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$1,000.00

Tax ID #32-0242557

Payable upon receipt. Please remit payment to: Shepard, Smith, Hand & Brackins, P.A.. To pay by credit card, debit card or eCheck please use the link below.

<https://secure.lawpay.com/pages/shepardfirm/operating>



SHEPARD, SMITH, HAND & BRACKINS, P.A.
ATTORNEYS & COUNSELORS AT LAW

INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25034
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 250041 - Town of Melbourne Beach - Funoe, LLC - Litigation
Matter Name: Funoe, LLC - Litigation

Services

Date	Atty	Description	Quantity	Rate	Total
05-14-25	RGK	Email Correspondence: Email from Ariana Tellone Re SERVICE OF COURT DOCUMENT - FUNOE, LLC v. TOWN OF MELBOURNE BEACH - Case No: 05-2025-CA-019574; Review Plaintiff's Initial Discovery Disclosures and Notice of Compliance	0.20	200.00	\$40.00

Services Subtotal: \$40.00

Subtotal	\$40.00
Total	\$40.00
Payment	\$0.00
Balance Owing	\$40.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$40.00

Tax ID #32-0242557

Payable upon receipt. Please remit payment to: Shepard, Smith, Hand & Brackins, P.A.. To pay by credit card, debit card or eCheck please use the link below.

<https://secure.lawpay.com/pages/shepardfirm/operating>



SHEPARD, SMITH, HAND & BRACKINS, P.A.
ATTORNEYS & COUNSELORS AT LAW

INVOICE

Shepard, Smith, Hand & Brackins, P.A.
2300 Maitland Center Parkway, Suite 100
Maitland, FL 32751

Invoice #: 25035
Date: 05-31-2025

Town of Melbourne Beach
507 Ocean Avenue
Melbourne Beach, FL 32951

Matter Number: 250056 - Town of Melbourne Beach - Funoe LLC PRR Lawsuit
Matter Name: Funoe LLC PRR Lawsuit

Services

Date	Atty	Description	Quantity	Rate	Total
05-15-25	RGK	Draft Response to Order to Show Cause and Answer and Affirmative Defenses	1.50	200.00	\$300.00
05-20-25	RGK	Email Correspondence: Emails with Amber Brown RE: Status on the PRR from Funoe	0.10	200.00	\$20.00

Services Subtotal: \$320.00

Subtotal	\$320.00
Total	\$320.00
Payment	\$0.00
Balance Owing	\$320.00

Trust Account Balance \$0.00

Operating Retainer Account Balance \$0.00

Total Matter Balance \$320.00

Tax ID #32-0242557

Payable upon receipt. Please remit payment to: Shepard, Smith, Hand & Brackins, P.A.. To pay by credit card, debit card or eCheck please use the link below.

<https://secure.lawpay.com/pages/shepardfirm/operating>



TOWN OF MELBOURNE BEACH

BREVARD COUNTY'S OLDEST BEACH COMMUNITY ESTABLISHED 1883

Building Department Report

MAY 2025

- permits issued 15
- Construction value of the \$459,503.00 permits totaled \$7,161.67
- Total permit fees \$7,161.67
- Inspections completed 41
- Plans reviewed 15
- Site plan review for P&Z 01
- New home 0
- Stop work order 0

Monthly Permit List

06/02/2021

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Electrical

Permit #	Applicant	Address	Fee Total	Const. Value
PE25-0026	HECK, JAMES & TIA	507 ANDREWS DR	\$115.00	\$3700.00
Work Description: replace 200a oh service				
PE25-0029	SCHULTZ, CHRISTOPHER E	214 CHERRY DR	\$99.25	\$3175.00
Work Description: Replace 200amp combo meter main load center				

Total Permits For Type:	2
Total Fees For Type:	\$214.25
Total Const. Value For Type:	\$6875.00

Fence

Permit #	Applicant	Address	Fee Total	Const. Value
PF25-0019	Carrie's Fence of Palm Bay	204 FLAMINGO LN	\$234.00	\$7610.00
Work Description: Installing 225' of 6' tall pvc fence with (2) 5' wide walk gates				

Total Permits For Type:	1
Total Fees For Type:	\$234.00
Total Const. Value For Type:	\$7610.00

Marine - Docks/Boathouses

Permit #	Applicant	Address	Fee Total	Const. Value
PMD25-0005	SHORELINE MARINE CONTRACTORS LLC	418 RIVER VW	\$615.00	\$40000.00
Work Description: Replace existing dilapidated dock with new dock, lift and dock storage				

Total Permits For Type:	1
Total Fees For Type:	\$615.00
Total Const. Value For Type:	\$40000.00

Marine - Seawall

Permit #	Applicant	Address	Fee Total	Const. Value
PMS25-0002	BAHER MARINE CONSTRUCTION	1710 PINE ST	\$886.63	\$66500.00
Work Description: New Seawall				

Total Permits For Type:	1
Total Fees For Type:	\$886.63
Total Const. Value For Type:	\$66500.00

Mechanical

Permit #	Applicant	Address	Fee Total	Const. Value
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PM25-0047	NATHAN IACOBACCI	200 THIRD AVE 1	\$317.30	\$10956.00
Work Description: REPLACE EXACT HVAC SYSTEM				
PM25-0046	WHITLOCK, GARY	209 THIRD AVE	\$314.90	\$10722.00
Work Description: Change out AC with 3.5 ton 15.5 Seer2 Carrier System				

Total Permits For Type: 2
Total Fees For Type: \$632.20
Total Const. Value For Type: \$21678.00

Paver, Concrete, & Deck

Permit #	Applicant	Address	Fee Total	Const. Value
PCD25-0007	ELITE PAVERS & PRICE RITE PAINTING INC	300 OAK ST	\$495.59	\$28350.00
Work Description: Install paver pool deck and driveway/entry				

Total Permits For Type: 1
Total Fees For Type: \$495.59
Total Const. Value For Type: \$28350.00

Pool

Permit #	Applicant	Address	Fee Total	Const. Value
PPL25-0005	Space Coast Shotcrete Inc	406 AVENUE B	\$1415.53	\$136200.00
Work Description: Install new in-ground pool with spa and deck				

Total Permits For Type: 1
Total Fees For Type: \$1415.53
Total Const. Value For Type: \$136200.00

Reroof

Permit #	Applicant	Address	Fee Total	Const. Value
PRR25-0049	3LP ROOFING	217 CHERRY DR	\$422.30	\$21200.00
Work Description: Remove existing shingle roof. Renail decking to code. Install Owens Corning Rhino granulated mpeel & stick underlayment & New Owens Corning Duration shingles. Replacing 1.5 sq of flat roof w/Certaanteed modified bitumen - flintlastic base and cap sheet				
PRR25-0048	HALCO, INC	300 RIVERSIDE DR	\$444.49	\$23365.00
Work Description: reroof detached garage not included				

Total Permits For Type: 2
Total Fees For Type: \$866.79
Total Const. Value For Type: \$44565.00

Window, Door, and Shutter Permit

Permit #	Applicant	Address	Fee Total	Const. Value
PWS25-0045	Mike Willis Roofing & Construction LLC	603 ATLANTIC ST	\$509.68	\$29725.00
Work Description: replacement of 1 French Door & 2 windows				

PWS25-0042	Brevard Window & Doors Inc	1607 ATLANTIC ST	\$861.00	\$64000.00
Work Description: REPLACING WINDOW AND DOORS				
PWS25-0029	Jacksons Construction	507 HARLAND AVE	\$154.25	\$5000.00
Work Description: Take out 2 sliders, install block with windows, drywall inside and stucco outside.				
PWS25-0043	SUNSET VIEW WINDOWS AND DOORS RYAN BITGOOD	446 RIVER VW	\$276.75	\$9000.00
Work Description: installation of door				

Total Permits For Type:	4
Total Fees For Type:	\$1801.68
Total Const. Value For Type:	\$107725.00

Grand Total Fees:	\$7,161.67
Grand Total Permits:	15.00
Grand Total Const. Value:	\$459503.00

Inspection Totals

06/02/2023 215
1/2

Building Inspection	1
Column & Tie Beam	1
Dry In	1
Dry-In	1
Dry-In Roof	1
Electrical	3
Final	4
FINAL	1
Final	1
Final Building	2
Final Electrical	1
Final Mechanical	2
Final Paver, Concrete, & Deck	2
Final Pool Resurface	1
Final Tree	2
Final window, Door, & Shutter	4
Fire Inspection	2
Foundation	1
In-Progress	1
Insulation	1

Inspection Totals

Lath	1
Pergola Footer	1
Sheathing	1
Slab	1
Steel & Ground	1
Underground Electrical	1
Underground Plumbing	1
Window, Doors - Final	1
<hr/>	
Total # of Inspections:	41

Permit List

06/02/2025
21/1

Permit	Type	Address	Applicant	Issued	Expired	Paid
PM25-0047	Mechanical	200 THIRD AVE 1	NATHAN IACOBACCI	05/01/202	10/28/202	\$317.30
PM25-0046	Mechanical	209 THIRD AVE	WHITLOCK, GARY	05/13/202	11/09/202	\$314.90
PE25-0026	Electrical	507 ANDREWS DR	HECK, JAMES & TIA	05/19/202	11/15/202	\$115.00
PWS25-0045	window, Door, and Shutter Permit	603 ATLANTIC ST	Mike Willis Roofing & Construction LLC	05/30/202	11/26/202	\$509.68
PWS25-0042	window, Door, and Shutter Permit	1607 ATLANTIC ST	Brevard Window & Doors Inc	05/06/202	11/02/202	\$861.00
PPL25-0005	Pool	406 AVENUE B	Space Coast Shotcrete Inc	05/30/202	11/26/202	\$1415.53
PE25-0029	Electrical	214 CHERRY DR	SCHULTZ, CHRISTOPHER E	05/30/202	11/26/202	\$99.25
PRR25-0049	Reroof	217 CHERRY DR	3LP ROOFING	05/30/202	11/26/202	\$422.30
PF25-0019	Fence	204 FLAMINGO LN	Carrie's Fence of Palm Bay	05/29/202	11/25/202	\$234.00
PWS25-0029	window, Door, and Shutter Permit	507 HARLAND AVE	Jacksons Construction	05/01/202	10/28/202	\$154.25
PCD25-0007	Paver, Concrete, & Deck	300 OAK ST	ELITE PAVERS & PRICE RITE PAINTING INC	05/13/202	11/09/202	\$495.59
PMS25-0002	Marine - Seawall	1710 PINE ST	BAHER MARINE CONSTRUCTION	05/15/202	11/11/202	\$886.63
PMD25-0005	Marine - Docks/Boathouses	418 RIVER VW	SHORELINE MARINE CONTRACTORS LLC	05/29/202	11/25/202	\$615.00
PWS25-0043	window, Door, and Shutter Permit	446 RIVER VW	SUNSET VIEW WINDOWS AND DOORS RYAN BITGOOD	05/01/202	10/28/202	\$276.75
PRR25-0048	Reroof	300 RIVERSIDE DR	HALCO, INC	05/29/202	11/25/202	\$444.49

Total Permits: 15

Total Paid: \$7161.67

Public Works Activities

May 2025

Tree down Pine and Sixth removed area made safe

Cleaned storage yard and moved large truck full of pavement millings for base

Cleared Community Center for a rental

Repaired soap dispenser town hall

Installed fence panel by new deck community center

Painted Community Center porch areas

Caulking and finishing touches on new deck community center

Removed Pineapple Run banners

Identified and repaired a leaking irrigation pipe 300 S. Palm

Researching and evaluating a large ficus tree on Oak just south of Cherry

Removed carpet from pier that was placed for Pineapple event

Generator inspection completed by vendor

Installed carpet on pier and located traffic control equipment for Pineapple run

Flipped over several deck boards on the piers to eliminate badly splintering boards

Unclog sinks packed with sand at Ocean Park bathrooms, unclogged main drain also

Unclogged toilet in Ryckman bathroom – vandals had packed with toilet paper to overflow

Installed speeds signs on Poinsettia

Flag pole at Ocean Park turnaround completely rigged replacing old broken system

Repaired broken showerhead Ocean Park

Installed a yield sign northbound on Colony

Installed complete pump system for the new well irrigation and play area

Repaired pot holes on Fourth

Repair ceiling fan Old Town Hall

Post Founders Day clean up

Repaired irrigation line Circle Park

Repaired pier light on railing appears cast net damage

Set up for Founders Day in Ryckman Park

ACTIVE CASES

06/11/2025

1/2

Enforcement #	Address	Category	Status	Origin	Filed	Closed
ECE25-0331	312 SECOND AVE	Short Term Rental Violations	Open - Notice of Violation Sent	Staff	04/16/25	
ECE25-0357	200 THIRD AVE 1	STR - Violation of Zoning	Open - Complaint Received	Staff	06/11/25	
ECE25-0359	200 THIRD AVE 4	STR - Violation of Zoning	Open - Complaint Received	Staff	06/11/25	
ECE25-0360	200 THIRD AVE 5	STR - Violation of Zoning	Open - Complaint Received	Staff	06/11/25	
ECE25-0358	200 THIRD AVE 6	STR - Violation of Zoning	Open - Complaint Received	Staff	06/11/25	
ECE25-0269	409 THIRD AVE	Attractive Nuisance	Open - Court Magistrate	Public - Phone	01/16/25	
ECE24-0242	411 ATLANTIC ST	Trees and Landscaping	Open - Notice of Violation Sent	Staff	11/12/24	
ECE25-0344	1201 ATLANTIC ST UNIT A	Short Term Rental Violations	Open - Notice of Hearing Sent	Staff	04/28/25	
ECE25-0345	1201 ATLANTIC ST UNIT B	Short Term Rental Violations	Open - Notice of Hearing Sent	Staff	04/28/25	
ECE25-0348	1350 ATLANTIC ST	Short Term Rental Violations	Open - Complaint Received	Staff	06/03/25	
ECE25-0353	1350 ATLANTIC ST	Zoning Violation	Open - Complaint Received	Public - Email	06/06/25	
ECE25-0336	306 AVENUE B	Short Term Rental Violations	Open - Notice of Violation Sent	Staff	04/23/25	
ECE25-0351	525 AVENUE B	Attractive Nuisance	Open - Notice of Violation Sent	Public - Email	06/04/25	
ECE25-0319	527 AVENUE B	Short Term Rental Violations	Open - Courtesy Letter Sent	Staff	05/06/25	
ECE23-0179	204 CHERRY DR	Short Term Rental Violations	OPEN - Magistrate ruled violation(s)	Staff	07/31/23	
ECE24-0258	303 CHERRY DR	Short Term Rental Violations	Open - Courtesy Letter Sent	Public - walk In	12/13/24	
ECE25-0342	207 FLAMINGO LN	Attractive Nuisance	Open - Notice of Violation Sent	Public - walk In	04/17/25	
ECE25-0270	206 FOURTH AVE	Trailers, Boats, and Recreational Vehicles	OPEN - Magistrate ruled - fines accruing	Staff	01/21/25	
ECE25-0316	201 OCEAN AVE	Lawns - Garbage & Trash	Open - Complaint Received	Public - Email	04/02/25	

ACTIVE CASES

06/11/2025 221
2/2

Enforcement #	Address	Category	Status	Origin	Filed	Closed
ECE23-0201	302 ORANGE ST	Building Permit Violation	OPEN - Magistrate ruled - fines accruing	Staff	11/14/23	
ECE25-0333	411 POINSETTIA RD	Short Term Rental Violations	Open - Notice of Violation Sent	Staff	04/23/25	
ECE25-0352	414 POINSETTIA RD	Short Term Rental Violations	Open - Complaint Received	Public - Email	06/05/25	
ECE25-0355	2201 REDWOOD AVE	Noise Complaints	Open - Complaint Received	Staff	06/09/25	
ECE25-0350	398 RIVER VIEW LN	Lawns - Overgrowth	Open - Complaint Received	Public - Email	06/04/25	
ECE25-0356	400 RIVER VIEW LN	Attractive Nuisance	Open - Complaint Received	Public - Phone	06/09/25	
ECE25-0334	602 SHANNON AVE	Short Term Rental Violations	Open - Notice of Violation Sent	Staff	04/09/25	

Total # of Enforcements: 26

CASES CLOSED

06/11/2025

1/2

Enforcement #	Address	Category	Status	Origin	Filed	Closed
ECE25-0338	200 THIRD AVE 5	Short Term Rental Violations	Closed - No Violations Found	Staff	04/23/25	04/30/25
ECE25-0298	1109 ATLANTIC ST	Short Term Rental Violations	Closed - Court Magistrate	Staff	02/20/25	05/16/25
ECE25-0343	1201 ATLANTIC ST	Short Term Rental Violations	Closed - No Violations Found		04/28/25	05/20/25
ECE25-0337	1201 ATLANTIC ST C	Short Term Rental Violations	Closed - Complied		04/23/25	05/20/25
ECE25-0354	1201 ATLANTIC ST C	Zoning Violation	Closed - No Violations Found		06/06/25	06/06/25
ECE25-0339	1205 ATLANTIC ST	Short Term Rental Violations	Closed - Complied	Staff	05/02/25	05/15/25
ECE25-0346	1205 ATLANTIC ST	Short Term Rental Violations	Closed - Complied	Staff	05/09/25	05/09/25
ECE25-0341	1606 ATLANTIC ST 5	Short Term Rental Violations	Closed - No Violations Found	Staff	04/24/25	04/30/25
ECE25-0326	305 AVENUE B	Short Term Rental Violations	Closed - Complied	Staff	04/09/25	04/29/25
ECE25-0330	400 AVENUE B	Short Term Rental Violations	Closed - Complied	Staff	04/14/25	05/13/25
ECE24-0254	407 CORAL AVE	Short Term Rental Violations	Closed - Complied	Public - walk In	12/13/24	05/14/25
ECE25-0347	206 FIR AVE	Short Term Rental Violations	Closed - No Violations Found		05/09/25	05/16/25
ECE24-0256	401 HIBISCUS TRL	Short Term Rental Violations	Closed - Complied	Public - walk In	12/13/24	04/15/25
ECE25-0335	313 OAK ST	Short Term Rental Violations	Closed - No Violations Found	Staff	04/23/25	04/30/25
ECE25-0322	501 OAK ST	Short Term Rental Violations	Closed - No Violations Found	Staff	04/09/25	04/17/25
ECE25-0324	2019 OAK ST	Short Term Rental Violations	Closed - No Violations Found	Staff	04/09/25	04/23/25
ECE25-0332	387 RIVER VIEW LN	Short Term Rental Violations	Closed - Complied		04/23/25	04/29/25
ECE25-0340	202 SURF RD	Short Term Rental Violations	Closed - No Violations Found		04/24/25	05/07/25
ECE25-0321	205 SURF RD	Short Term Rental Violations	Closed - Complied	Staff	04/04/25	04/10/25

CASES CLOSED LAST MONTH

06/11/2023
223
2/2

Enforcement #	Address	Category	Status	Origin	Filed	Closed
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Total # of Enforcements: 19

Certificate List

06/11/2024
224
1/2

Certificate #	Property Address	Certificate Type	Holder	Status	Issued	Amount Due
CVR24-0016	211 CHERRY DR	Vacation Rental	BEACH HOST, LLC SEDENO, SELENE	Issued	07/03/2024	\$0.00
CVR24-0018	401 SECOND AVE	Vacation Rental	JUSTIN ARMOUR	Issued	09/12/2024	\$0.00
CVR24-0019	208 CHERRY DR	Vacation Rental	DALTON, BRITTANY	Issued	09/10/2024	\$0.00
CVR24-0021	322 HIBISCUS TRL	Vacation Rental	BANKE, JONATHAN	Issued	10/29/2024	\$0.00
CVR24-0023	411 OAK ST	Vacation Rental	MOLINA OAK LLC	Issued	11/14/2024	\$0.00
CVR24-0024	1905 REDWOOD AVE	Vacation Rental	BRUNING, RICHARD A	Issued	11/14/2024	\$0.00
CVR24-0025	401 AVENUE B	Vacation Rental	NEWTON, JOHN	Issued	11/04/2024	\$0.00
CVR24-0026	317 FIRST AVE	Vacation Rental	LESINSKI, ZACH	Issued	11/04/2024	\$0.00
CVR24-0027	217 FOURTH AVE	Vacation Rental	FOURTH AVENUE LLC	Issued	12/09/2024	\$0.00
CVR24-0028	304 OAK ST	Vacation Rental	DAILEY, CHRISTOPHER	Issued	12/10/2024	\$0.00
CVR24-0029	2015 OAK ST	Owner Occupied Exempt	PRUTOW, GARY	Issued	11/01/2024	\$0.00
CVR24-0034	315 AVENUE B	Vacation Rental	KOGOK, RONALD C, JR	Issued	12/09/2024	\$0.00
CVR24-0036	212 DOGWOOD AVE	Vacation Rental	FREELS, KEVIN ROBERT	Issued	01/12/2025	\$0.00
CVR24-0038	228 SIXTH AVE	Vacation Rental	PRUTOW, KELEN DOUG WELLENS	Issued	11/25/2024	\$0.00
CVR24-0039	2201 REDWOOD AVE	Vacation Rental	NLD9, INC JOHN NEWTON	Issued	01/09/2025	\$0.00
CVR24-0041	510 BANYAN WAY	Vacation Rental	GOLDEN SHORES PROPERTY TRUST	Issued	01/30/2025	\$0.00
CVR24-0043	304 FOURTH AVE	Vacation Rental	SAMMELMAN, MARK T	Issued	12/01/2024	\$0.00
CVR24-0045	414 POINSETTIA RD	Vacation Rental	KATHRYN MAULER DAN MAULER	Issued	02/04/2025	\$0.00
CVR24-0047	217 THIRD AVE	Owner Occupied Exempt	MC KERCHER, TIMOTHY	Issued	12/23/2024	\$0.00
CVR25-0001	308 SECOND AVE	Owner Occupied Exempt	NOBLE, LINDA S	Issued	01/30/2025	\$0.00
CVR25-0002	311 FIRST AVE	Owner Occupied Exempt	JEPPSON, RICHARD C	Issued	01/30/2025	\$0.00
CVR25-0003	322 THIRD AVE	Owner Occupied Exempt	BARTON, JOYCE	Issued	01/30/2025	\$0.00
CVR25-0005	209 FIRST AVE	Vacation Rental	KERR, HOWARD, DIANE	Issued	04/15/2025	\$0.00
CVR25-0007	405 FIFTH AVE	Vacation Rental	GNK PROPERTIES LLC	Issued	04/10/2025	\$0.00
CVR25-0008	300 THIRD AVE	Vacation Rental	GNK PROPERTIES	Issued	04/10/2025	\$0.00
CVR25-0009	320 SECOND AVE	Vacation Rental	WAGNER, CHRISTOPHER WAGNER, KIM	Issued	05/02/2025	\$0.00
CVR25-0010	319 THIRD AVE	Vacation Rental	MONICA SEVILA, WILLIAM AUSTIN SEVILA, AND MICHAEL SPENCER SEVILA	Issued	05/15/2025	\$0.00
CVR25-0015	305 AVENUE B	Owner Occupied Exempt	MULLEN, J MICHAEL	Issued	04/29/2025	\$0.00

Certificate List

Certificate #	Property Address	Certificate Type	Holder	Status	Issued	Amount Due
CVR25-0018	608 MANGO DR	Exempt Vacation Rental	DEVON COMPO	Issued	05/09/2025	\$0.00
CVR25-0020	406 HIBISCUS TRL	Vacation Rental	PETERS, ERIC RYAN	Issued	05/23/2025	\$0.00

Total # of Certificates:	30
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Total Amount Due:	\$0.00
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Certificate List

06/11/2029 226
1/1

Certificate #	Property Address	Certificate Type	Holder	Status	Issued	Amount Due
CVR24-0035	302 FIFTH AVE	Vacation Rental	EDILENE, TOBIAZ JOHANSSON	Hold		\$0.00
CVR24-0042	224 FIFTH AVE	Vacation Rental	POVICH, ROBYN S	Hold		\$0.00
CVR25-0006	312 SECOND AVE	Vacation Rental	HENSEL, KURT	Hold		\$0.00
CVR25-0011	205 SURF RD	Vacation Rental	STEVE RAJAVUORI	Hold		\$0.00
CVR25-0012	311 AVENUE A	Vacation Rental	KEITH LA'GALA	Hold		\$0.00
CVR25-0013	401 HIBISCUS TRL	Vacation Rental	ISLAND GIRL GETAWAY LLC	Hold		\$0.00
CVR25-0014	387 RIVER VIEW LN	Vacation Rental	JOLOWSKI, ROBERT J.	Hold		\$0.00
CVR25-0019	400 AVENUE B	Vacation Rental	KERR, JOHN	Hold		\$0.00
CVR25-0021	415 HIBISCUS TRL	Vacation Rental	GOSSELIN, KAYLEE	Hold		\$0.00
CVR25-0022	2201 REDWOOD AVE	Vacation Rental	NEWTON, SHEILA D	Hold		\$0.00

Total # of Certificates:	10
Total Amount Due:	\$0.00



Town of Melbourne Beach



Fire Department

MONTHLY REPORT – May 2025

Incident Response

From April 5th through May 4th, the Melbourne Beach Volunteer Fire Department responded to 15 calls for service. The average number of responding volunteer personnel per paged out call for the time period listed above was 11.

Breakdown:

- 5 Fire/Rescue 911 Calls (paged out)
 - Incident #'s: 33, 36, 37, 41, 42
- 1 Public Assist
 - Electrical Problem (Incident #39)
- 1 Assist Other Agency
 - Drown Zero ATV recovery (Incident #34)
- 1 Fire Drill Standby (Incident #40)
- 1 Special Event – Founders Day Standby & EMS Incident (Incident #45)
- 3 Fire & Life Safety Inspections
 - Incident #'s: 31, 32, 35, 38, 43, 44

Notable Incidents

- **4/13/2025 (10:16 am) – Indoor Cooking Fire in Melbourne Beach**
 - MBVFD responded to reports of activated fire alarm in multi-residential structure in Melbourne Beach. E-258, E-58, & MB-Fire1 respond. E-258 arrived on scene and noted an audible alarm and obvious smell of smoke coming from a residential unit. Attempted to make contact with no answer, so fire crew forced entry into unit and observed light smoke throughout. Fire crew located a pot on the stove with burning food inside; burner left on and unattended. Fire crew secured power to the stove, moved pot to the sink, and extinguished with water from faucet. No fire spread or damage to property. Primary search completed; no further hazards were located. Fire crew cleared smoke out of structure with horizontal natural ventilation.

- **4/15/2025 (08:08 pm) – Outdoor Cooking Fire & Propane Gas Leak in Melbourne Beach**
 - MBVFD responded to reports outdoor cooking fire (extinguished by homeowner) and propane gas leak in Melbourne Beach. E-258, & S-58 responded along with mutual aid from Brevard County Fire Rescue Hazmat Unit. Fire crew moved the grill away from the exterior of structure and checked the grill and surrounding area for any fire extension or damage, nothing observed. Obvious smell of propane noted by the grill, verified leak with multi-gas detectors. Fire crew secured a leaking propane tank and moved to a safe area away from any ignition sources. Hazmat team requested and area and tank secured until hazmat arrival. Upon hazmat team arrival, fire crew assisted team with making container safe and dispersing propane vapors.

Aid Given or Received

- 4/15/2025 – Aid Given: Assist Other Agency (Drown Zero) with ATV recovery in South Melbourne Beach
- 4/15/2025 – Aid Received: Gas Leak in Melbourne Beach

Department Membership

- 32 Total Members **(-1)**
 - Paid Staff:
 - 1 Fire Chief (*Full-Time*)
 - 1 Maintenance Technician **(-1 Part-time) (+2 Per-diem)**
 - Volunteer Staff:
 - 18 Certified Volunteer Firefighters
 - 9 Support Services Volunteers **(-1) (+1)**
 - 0 Probationary Volunteer Members **(-1)**
 - 4 Administrative Volunteers
 - 1 Safety Officer
 - 2 Logistics Staff
 - 1 Volunteer Fire Chaplain

Notes: Existing part-time Fire Service Maintenance Technician requested to move to per-diem status for personal reasons; added 1 additional per-diem Fire Service Maintenance Technician to assist in covering hours. 1 volunteer support services member resigned over the past month for personal reasons. 1 volunteer probationary member completed all requirements and was promoted to the position of support service member.

Volunteer Recruitment

The Melbourne Beach Volunteer Fire Department is continuously recruiting local men and women who have a desire to serve their community. No experience is needed and all training will be provided. For more information, visit MakeMeAFirefighter.org or stop by the Melbourne Beach Fire Station (507 Ocean Avenue).

A meet & greet recruitment night was held in March at the Fire Station. No Melbourne Beach residents applied. Applications are under review by the Department's membership committee. Target start date for new recruit 30-Day orientation program is June 2025.

Recruitment efforts this month included: Participation in the Make Me A Firefighter Campaign, deployment of "volunteers needed" banners throughout Town, and individual meetings with interested applicants.

Notable Events & Updates

Fire Department Maintenance Technician ***NEW***

- The Fire Department has hired a new primary Fire Department Maintenance Technician, Mr. Bruce Pickett. Mr. Pickett brings a wealth of knowledge and experience to the position from his 21 years of service as a professional firefighter in North Carolina. In addition, Mr. Pickett served our Country for 31 years in the Air National Guard, with his final assignment being the North Carolina State Command Chief Master Sergeant, the highest enlisted position achievable. Mr. Pickett is a Melbourne Beach resident and also currently serves as a volunteer Support Services Member with the Melbourne Beach Volunteer Fire Department. Welcome Mr. Pickett and thank you for stepping up to serve this wonderful community!

Good Morning America Water Rescue Standby ***NEW***

- The Melbourne Beach Volunteer Fire Department's Marine Rescue Team was requested to provide standby water rescue coverage for Good Morning America's tv news story about drowning prevention and Drown Zero International's beach life ring project. The Town of Melbourne Beach was selected as the location for this story due to their strong partnership with Drown Zero International and being the first local community to have a life ring available at every beach access. The tv segment is expected to air at the beginning of Memorial Day weekend.

191hr Volunteer Firefighter Certification Program (Ongoing Update)

- The Department continues hosting (and teaching) a State recognized hybrid 191hr Volunteer Firefighter Certification Program. In total, 9 students from 3 separate agencies remain in the program, which is expected to finish sometime around August 2025. Their most recent session taught them hose handling, water supply, and firefighter survival.

Grants Update (Ongoing Update)

- The Department was notified that they were not selected as a recipient for the State Farm/National Volunteer Fire Council Laptop grant.
- There have been no updates or awards for any FEMA grants over the past month, including for new the FEMA AFG grant submitted in December. In addition, the FEMA SAFER grant for staffing has still not opened up submission, leading to concerns about the uncertainty of the federal grants future.

Emergency Medical Responder Training (Ongoing Update)

- Melbourne Beach Deputy Chief John Miller, Lt. Amber Brown, Lt. Claude Russo, FF George Walters, FF Sam Cox, and FF Tim Bowman successfully completed a State recognized 56-hour Emergency Medical Responder training program. The training will allow these volunteers to provide initial basic level pre-hospital medical care and sit for their national certification exam.

Gender Reveal Assist for 2 Melbourne Beach Volunteer Firefighters ***NEW***

- The Fire Department assisted volunteer firefighters (& Melbourne Beach residents) Sam Cox and Katie Cox with revealing the gender of their soon to be 4th child. Congratulations to both who will be welcoming a baby boy (and future volunteer firefighter) to their family soon!

New Fire Engine Acquisition (Ongoing Update)

- Chief Brown, Deputy Chief Miller, and Safety Chief Micka continue working closely with the vendor and manufacturer as the build process continues for the Town's new fire engine. The estimated delivery date is still expected sometime in late August 2025, and a community push-in ceremony is being planned.

Fire Investigation Origin & Cause Course ***NEW***

- Chief Brown attended a 5-day (45 hour), State approved, fire investigation course hosted by Brevard County Fire Rescue. This course provided training in the fundamentals of fire investigations including determining origin, cause, and arson. By Florida Statute, local fire agencies are required to provide a preliminary investigation for all fire incidents before the State can be requested for assistance.

Southeast Region Search & Rescue Summit ***NEW***

- Chief Brown & Volunteer Captain Hardman attended a 1-day search & rescue summit event, focused on water rescue, in Port Canaveral hosted by the Brevard County Sheriff's Office. The event brought together multiple federal, state, county, local, and non-governmental water rescue resources to review best practices, collaboration, communications, available resources, new technology, and mass casualty planning.

Meetings & Conferences (Ongoing Update)

- Chief Brown attended the following meetings:
 - Countywide Wildland Fire Coordination Meeting at Brevard EOC
 - Space Coast Fire Chiefs Training Committee
 - Space Coast Fire Chiefs Operations Committee
 - Space Coast Fire Chiefs EMS Committee
 - PSAP & dispatch update and interoperability meeting

Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 5/14/2025 5:00:11 PM



232

Incident Address and Type for Date Range (Landscape)

Incident Status(s): All Incident Statuses | Start Date: 04/05/2025 | End Date: 05/04/2025

INCIDENT #	DATE	LOCATION TYPE	ADDRESS	INCIDENT TYPE	ALARM	CLEARED SCENE
2025-31	04/07/2025		319 3rd AVE , Melbourne Beach, FL, 32951	Special type of incident, other	04/07/2025 11:55	04/07/2025 11:55
2025-32	04/08/2025		209 1st AVE , Melbourne Beach, FL, 32951	Special type of incident, other	04/08/2025 13:59	04/08/2025 13:59
2025-33	04/13/2025		419 Ocean AVE Unit 204, Melbourne Beach, FL, 32951	Cooking fire, confined to container	04/13/2025 10:16	04/13/2025 10:35
2025-34	04/15/2025		7495 S Hwy A1A , Melbourne Beach, FL, 32951	Assist police or other governmental agency	04/15/2025 10:21	04/15/2025 13:23
2025-35	04/15/2025		320 2nd AVE , Melbourne Beach, FL, 32951	Special type of incident, other	04/15/2025 13:53	04/15/2025 15:36
2025-36	04/15/2025		209 Flamingo LN , Melbourne Beach, FL, 32951	Gas leak (natural gas or LPG)	04/15/2025 20:08	04/15/2025 22:42
2025-37	04/16/2025		312 2nd AVE , Melbourne Beach, FL, 32951	Smoke detector activation due to malfunction	04/16/2025 03:41	04/16/2025 04:35
2025-38	04/18/2025		212 Dogwood AVE , Melbourne Beach, FL, 32951	Special type of incident, other	04/18/2025 10:38	04/18/2025 11:30
2025-39	04/23/2025		512 Harland AVE , Melbourne Beach, FL, 32951	Arcing, shorted electrical equipment	04/23/2025 08:51	04/23/2025 09:21
2025-40	04/23/2025		2100 Oak ST , Melbourne Beach, FL, 32951	Special type of incident, other	04/23/2025 13:17	04/23/2025 14:06
2025-41	04/25/2025		512 Harland AVE , Melbourne Beach, FL, 32951	Natural vegetation fire, other	04/25/2025 07:06	04/25/2025 07:15
2025-42	04/29/2025		604 Hibiscus TRL , Melbourne Beach, FL, 32951	Smoke detector activation, no fire - unintentional	04/29/2025 14:07	04/29/2025 14:07
2025-43	04/30/2025		224 5th AVE , Melbourne Beach, FL, 32951	Special type of incident, other	04/30/2025 10:59	04/30/2025 12:14
2025-44	05/02/2025		320 2nd AVE , Melbourne Beach, FL, 32951	Special type of incident, other	05/02/2025 10:41	05/02/2025 11:01
2025-45	05/03/2025		505 Ocean AVE , Melbourne Beach, FL, 32951	Emergency medical service, other	05/03/2025 11:39	05/03/2025 12:01

Location Type is only filled in when it is marked Intersection, Directions, or National Grid on Basic Info 3.



Melbourne Beach VFD

Melbourne Beach, FL

This report was generated on 5/14/2025 4:59:32 PM



Personnel Count per Incident for Date Range

Start Date: 04/05/2025 | End Date: 05/04/2025

INCIDENT				NUMBER OF PEOPLE		
NUMBER	DATE	INCIDENT TYPE	FDID	ON APPARATUS	NOT ON APPARATUS	TOTAL
2025-31	4/7/2025 11:55:15	900 - Special type of incident, other	19112	1	0	1
2025-32	4/8/2025 13:59:12	900 - Special type of incident, other	19112	1	0	1
** 2025-33	4/13/2025 10:16:36	113 - Cooking fire, confined to container	19112	11	5	16
2025-34 ***	4/15/2025 10:21:12	551 - Assist police or other governmental agency	19112	5	0	5
2025-35	4/15/2025 13:53:03	900 - Special type of incident, other	19112	1	0	1
** 2025-36 ****	4/15/2025 20:08:16	412 - Gas leak (natural gas or LPG)	19112	6	9	15
** 2025-37	4/16/2025 03:41:08	733 - Smoke detector activation due to malfunction	19112	8	1	9
2025-38	4/18/2025 10:38:10	900 - Special type of incident, other	19112	1	0	1
2025-39	4/23/2025 08:51:41	445 - Arcing, shorted electrical equipment	19112	1	0	1
2025-40	4/23/2025 13:17:27	900 - Special type of incident, other	19112	1	0	1
** 2025-41	4/25/2025 07:06:58	140 - Natural vegetation fire, other	19112	2	2	4
** 2025-42	4/29/2025 14:07:36	743 - Smoke detector activation, no fire - unintentional	19112	4	7	11
2025-43	4/30/2025 10:59:01	900 - Special type of incident, other	19112	1	0	1
2025-44	5/2/2025 10:41:29	900 - Special type of incident, other	19112	1	0	1
2025-45	5/3/2025 11:39:38	320 - Emergency medical service, other	19112	1	2	3

TOTAL # OF INCIDENTS: 15

AVERAGES:

3.0

1.7

4.7

Total # of incidents
paged out for
volunteer response: 5

** Without EMS Assist or Service Calls:
(Paged out calls only)

6.2

4.8

11.0

Only REVIEWED incidents included

Note: Items highlighted in green are fire prevention activities (Fire Inspections, Presentations, Fire Drills, etc.)

*** Mutual Aid Provided

**** Mutual Aid Received



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Doc Id: 358

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Melbourne Beach Police Department

Chief Zander's Monthly Report

Commission Meeting June 18, 2025



This report covers the month of May 2025.

Operations:

Over the past month, the department handled 1,348 calls for service.

Activity:

- 96 Citations/ 128 Written Warnings
- 340 Traffic Stops
- 206 Traffic Enforcement Details
- 0 Traffic Complaint
- 17 Parking Citations
- Speed Compliance percentages over the past month:
 - Atlantic Ave. 75% with 70,171 vehicles recorded
 - Oak St. 93% with 77,688 vehicles recorded
 - Riverside Dr. 90% with 118,256 vehicles recorded

PD News

- Attended a High School Graduation
- Sgt. Sadler attended 1st week or 4 of leadership training
- Participated in a last day of school police escort for a terminally ill child in Viera
- Participated in Founder's Day
- Attended League of Cities Dinner
- Attended Mayor's Breakfast presented by the Chamber
- Held 1 on 1 Meetings with the Mayor on 2025/26 Police budget requests
- Attended BCCOP Luncheon for Administrative Assistant Appreciation .
- Department Training (Legal Training, Mental Wellness and Taser)
- Attended Budget Workshop
- Attended Regular Town Commission Meeting
- The Police Department Volunteers completed
109 total hours of volunteer service for the month of May and 536 total hours for the year.

- Helping out with Front Desk Coverage/Admin and with House Checks as well as scanning documents and helping with special events.
- Zero Vacancies

CRIME Update:.

- Volunteers completed 215 House Checks
- 7 Suspicious incident/Person/vehicles reports investigated
- Missing Juvenile-Recovered (discovered he ran away)
- Overdose Death Ongoing Investigation
- AOA with an armed individual in County Area where one of our officers was one of the first on scene.
2 Firearms in involved. SWAT came and took over and the individual attempted suicided with a self inflicted gun shot.
- 10 arrests- DUI, Traffic Charges,
- 5 STR complaints.
 - 5/31- 2201 Redwood loud music- Renters issued a written warning
 - 5/30- 300 Third Avenue- Noise complaint ANONYMOUS- Verbal warning given to renters
 - 5/26- 209 First Avenue- Parking issue with neighbor parking in front of house. The actual owner of the VRC was at the residence parked in front of a neighbor's house, which was not a violation.
 - 5/5- 204 Cherry Drive- Vehicle parked blocking sidewalk, officer arrived and no vehicles were on scene- NOT LISTED AS STR OR POSSIBLE STR
 - 5/3- 2201 Redwood- Medical Call
- 11 Assist other Law enforcement agencies.
- 12 Disturbances

Looking Forward:

- Department Training Multi-Agency Active Shooter Training
- Pineappleman Event
- Employee Spot Light will be Corporal Jim O'Byrne
- Attending Florida Police Chiefs Conference

Town of Melbourne Beach

Town Clerk Monthly Report May 2025

Public Records Requests –

- Received –20
- Completed – 13
- Open/Pending – 6 (These requests are pending response from another department, new requests, or large requests that are taking significant time to complete)

Records Management Project/ Scanning Project – Unfortunately, there has been no progress on this project. Due to extenuating circumstances outside of the Clerk's Office's control, we have not been able to dedicate the time needed to focus on this project.

Audio Visual Equipment – The last issue we are working on is regarding closed captioning.

Town Meetings –

Prepared agendas, packets, and minutes, and attended the following meetings:

- 4 Town Commission meetings
- 1 Board of Adjustment hearing
- 2 Charter Review Committee meetings
- 1 Planning and Zoning Board meeting
- 1 Special Magistrate Hearing

Created the agenda and prepared for the following meetings:

- 1 Environmental Advisory Board meeting
- 1 History Center Board meeting
- 1 Parks Board meeting

June 2025 Task List

ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Create a policy for owner occupied short term rentals	1/27/2025	4/16/2025		Commissioner Reed	Fire Chief & Town Attorney
DATE	DIRECTION/NOTES				
4/16/2025	The Town Attorney will need to draft an ordinance as owner occupied short term rentals was taken out of the ordinance				
3/19/2025	The Town Attorney will draft the resolution				
2/19/2025	Commission discussed creating a Resolution to provide for inspections of owner occupied short term rentals.				
1/27/2025	Commissioner Reed – Create a policy for owner occupied short term rental fire inspections.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Explore the feasibility of pursuing the StormReady designation from the National Weather Service	3/19/2025	4/16/2025		Commissioner Reed	Town Manager & Staff
DATE	DIRECTION/NOTES				
4/16/2025	Town Manager – The last thing needed for compliance was a second messaging system, and that was just confirmed. The next step is for them to come and do an inspection.				
3/19/2025	The Commission voted to task the Town Manager and Staff to explore the feasibility of having the Town pursue the StormReady designation from the National Weather Service				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Develop a plan and proposal for paid parking at the 6 th Ave boat ramp	12/18/2024	4/16/2025		Commissioner Reed	Town Manager
DATE	DIRECTION/NOTES				

June 2025 Task List

4/16/2025	Town Manager – The sign company did some mock ups, but there were too many words. Looking into similar language with fewer words.				
3/19/2025	The Commission discussed having signage say only stickered vehicles can be left unattended, and all others are subject to ticket or tow.				
2/19/2025	Commissioner Reed – Evaluate putting signage for no unattended vehicles without a Town parking permit.				
12/18/2024	Commissioner Reed - Develop the plan and proposal for the 6 th Ave paid parking and bring it back in February.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Research companies and costs to perform a toxic workplace survey specific to municipalities	3/19/2025	5/21/2025		Vice Mayor Barlow	Town Manager
DATE	DIRECTION/NOTES				
3/19/2025	The Commission voted to task the Town Manager with researching companies and costs to perform a toxic workplace survey specific to municipalities.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Review 7A-52 sign ordinance	3/19/2025	5/21/2025		Vice Mayor Barlow	Town Attorney
DATE	DIRECTION/NOTES				
3/19/2025	The Commission voted to task the Town Attorney with reviewing 7A-52 sign ordinance and draft proposed language edits.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Town building maintenance inspection checklist and calendar	4/16/2025	6/18/2025		Commissioner Reed	Public Works Director
DATE	DIRECTION/NOTES				

June 2025 Task List

4/16/2025	The Commission tasked staff to compile a checklist for town building maintenance inspections and calendar				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Weekly email updates on the Deckhard software, STR numbers, and updates on doing the internal policies	4/16/2025	Weekly		Mayor Dennington	Town Manager
DATE	DIRECTION/NOTES				
4/16/2025	The Commission agreed to have the Town Manager provide weekly email updates.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Lease a large pump for emergency flood protection	5/21/2025	After the engineer contracts are done		Commissioner Reed	Staff
DATE	DIRECTION/NOTES				
5/21/2025	The Commission agreed to add the discussion on leasing a large pump to provide emergency flood protection to the task list.				
ITEM	OPENED	DUE DATE	CLOSED	REQUESTOR	ASSIGNED TO
Implementation plan for Resolution 2025-09 Cybersecurity procedures	5/21/2025	6/18/2025		Commissioner Baldwin	Staff
DATE	DIRECTION/NOTES				
5/21/2025	The Commission agreed to add a task list item for staff to create a plan to implement Resolution 2025-09 Cybersecurity procedures A-E.				



Federal
Communications
Commission

Town of Melbourne Beach
Town of Melbourne Beach, FL
May 29, 2025

Table of Contents

Thank you for using the FCC's Small Biz Cyber Planner, a tool for small businesses to create customized cyber security planning guides. Businesses large and small need to do more to protect against growing cyber threats. As larger companies take steps to secure their systems, less secure small businesses are easier targets for cyber criminals.

This planning guide is designed to meet the specific needs of your company, using the FCC's customizable Small Biz Cyber Planner tool. The tool is designed for businesses that lack the resources to hire dedicated staff to protect their business, information and customers from cyber threats. Even a business with one computer or one credit card terminal can benefit from this important tool. We generally recommend that businesses using more sophisticated networks with dozens of computers consult a cyber security expert in addition to using the cyber planner. The FCC provides no warranties with respect to the guidance provided by this tool and is not responsible for any harm that might occur as a result of or in spite of its use.

The guidance was developed by the FCC with input from public and private sector partners, including the Department of Homeland Security, the National Cyber Security Alliance and The Chamber of Commerce.

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Privacy and Data Security

Data security is crucial for all small businesses. Customer and client information, payment information, personal files, bank account details - all of this information is often impossible replace if lost and dangerous in the hands of criminals. Data lost due to disasters such as a flood or fire is devastating, but losing it to hackers or a malware infection can have far greater consequences. How you handle and protect your data is central to the security of your business and the privacy expectations of customers, employees and partners.

Cyber Plan Action Items:

1. Conduct an inventory to help you answer the following questions:

- **What kind of data do you have in your business?**

A typical business will have all kinds of data, some of it more valuable and sensitive than others, but all data has value to someone. Your business data may include customer data such as account records, transaction accountability and financial information, contact and address information, purchasing history, buying habits and preferences, as well as employee information such as payroll files, direct payroll account bank information, Social Security numbers, home addresses and phone numbers, work and personal email addresses. It can also include proprietary and sensitive business information such as financial records, marketing plans, product designs, and state, local and federal tax information.

- **How is that data handled and protected?**

Security experts are fond of saying that data is most at risk when it's on the move. If all your business-related data resided on a single computer or server that is not connected to the Internet, and never left that computer, it would probably be very easy to protect.

But most businesses need data to be moved and used throughout the company. To be meaningful data must be accessed and used by employees, analyzed and researched for marketing purposes, used to contact customers, and even shared with key partners. Every time data moves, it can be exposed to different dangers.

As a small business owner, you should have a straightforward plan and policy – a set of guidelines, if you like – about how each type of data should be handled, validated and protected based on where it is traveling and who will be using it.

- **Who has access to that data and under what circumstances?**

Not every employee needs access to all of your information. Your marketing staff shouldn't need or be allowed to view employee payroll data and your administrative staff may not need access to all your customer information.

When you do an inventory of your data and you know exactly what data you have and where it's kept, it is important to then assign access rights to that data. Doing so simply means creating a list of the specific employees, partners or contractors who have access to specific data, under what circumstances, and how those access privileges will be managed and tracked.

Your business could have a variety of data, of varying value, including:

- Customer sales records
- Customer credit card transactions
- Customer mailing and email lists
- Customer support information

- Customer warranty information
- Patient health or medical records
- Employee payroll records
- Employee email lists
- Employee health and medical records
- Business and personal financial records
- Marketing plans
- Business leads and enquiries
- Product design and development plans
- Legal, tax and financial correspondence

2. Once you've identified your data, keep a record of its location and move it to more appropriate locations as needed.

3. Develop a privacy policy

Privacy is important for your business and your customers. Continued trust in your business practices, products and secure handling of your clients' unique information impacts your profitability. Your privacy policy is a pledge to your customers that you will use and protect their information in ways that they expect and that adhere to your legal obligations.

Your policy starts with a simple and clear statement describing the information you collect about your customers (physical addresses, email addresses, browsing history, etc), and what you do with it. Customers, your employees and even the business owners increasingly expect you to make their privacy a priority. There are also a growing number of regulations protecting customer and employee privacy and often costly penalties for privacy breaches. You will be held accountable for what you claim and offer in your policy.

That's why it's important to create your privacy policy with care and post it clearly on your website. It's also important to share your privacy policies, rules and expectations with all employees and partners who may come into contact with that information. Your employees need to be familiar with your legally required privacy policy and what it means for their daily work routines.

Your privacy policy will should address the following types of data:

- **Personally Identifiable Information:** Often referred to as PII, this information includes such things as first and last names, home or business addresses, email addresses, credit card and bank account numbers, taxpayer identification numbers, patient numbers and Social Security numbers. It can also include gender, age and date of birth, city of birth or residence, driver's license number, home and cell phone numbers.
- **Personal Health Information:** Whether you're a healthcare provider with lots of sensitive patient information or you simply manage health or medical information for a small number of employees, it's vital that you protect that information. A number of studies have found most consumers are very concerned about the privacy and protection of their medical records. They do not want their health information falling into the hands of hackers or identity thieves who might abuse it for financial gain. But they also may not want employees or co-workers prying into their personal health details. And they often don't want future employers or insurers finding out about any medical conditions or history.
- **Customer information:** This includes payment information such as credit or debit card numbers and verification codes, billing and shipping addresses, email addresses, phone numbers, purchasing history, buying preferences and shopping behavior.

The Better Business Bureau has a copy of a privacy policy that you are free to download and use. It is available here: <http://www.bbbonline.org/reliability/privacy/>.

4. Protect data collected on the Internet

Your website can be a great place to collect information – from transactions and payments to purchasing and browsing history, and even newsletter signups, online enquiries and customer requests.

This data must be protected, whether you host your own website and therefore manage your own servers or your website and databases are hosted by a third party such as a web hosting company.

If you collect data through a website hosted by a third party, be sure that third party protects that data fully. Apart from applying all the other precautions that have been described, such as classifying data and controlling access, you need to make sure any data collected through your website and stored by the third party is sufficiently secure. That means protection from hackers and outsiders as well as employees of that hosting company.

5. Create layers of security

Protecting data, like any other security challenge, is about creating layers of protection. The idea of layering security is simple: You cannot and should not rely on just one security mechanism – such as a password – to protect something sensitive. If that security mechanism fails, you have nothing left to protect you.

When it comes to data security, there are a number of key procedural and technical layers you should consider:

Inventory your data

We mentioned before the need to conduct a data inventory so you have a complete picture of all the data your business possesses or controls. It's essential to get a complete inventory, so you don't overlook some sensitive data that could be exposed.

Identify and protect your sensitive and valuable data

Data classification is one of the most important steps in data security. Not all data is created equal, and few businesses have the time or resources to provide maximum protection to all their data. That's why it's important to classify your data based on how sensitive or valuable it is – so that you know what your most sensitive data is, where it is and how well it's protected.

Common data classifications include:

HIGHLY CONFIDENTIAL: This classification applies to the most sensitive business information that is intended strictly for use within your company. Its unauthorized disclosure could seriously and adversely impact your company, business partners, vendors and/or customers in the short and long term. It could include credit-card transaction data, customer names and addresses, card magnetic stripe contents, passwords and PINs, employee payroll files, Social Security numbers, patient information (if you're a healthcare business) and similar data.

SENSITIVE: This classification applies to sensitive business information that is intended for use within your company, and information that you would consider to be private should be included in this classification. Examples include employee performance evaluations, internal audit reports, various financial reports, product designs, partnership agreements, marketing plans and email marketing lists.

INTERNAL USE ONLY: This classification applies to sensitive information that is generally accessible by a wide audience and is intended for use only within your company. While its unauthorized disclosure to

outsiders should be against policy and may be harmful, the unlawful disclosure of the information is not expected to impact your company, employees, business partners, vendors and the like.

Control access to your data

No matter what kind of data you have, you must control access to it. The more sensitive the data, the more restrictive the access. As a general rule, access to data should be on a need-to-know basis. Only individuals who have a specific need to access certain data should be allowed to do so.

Once you've classified your data, begin the process of assigning access privileges and rights – that means creating a list of who can access what data, under what circumstances, what they are and are not allowed to do with it and how they are required to protect it. As part of this process, a business should consider developing a straightforward plan and policy – a set of guidelines – about how each type of data should be handled and protected based on who needs access to it and the level of classification.

Secure your data

In addition to administrative safeguards that determine who has access to what data, technical safeguards are essential. The two primary safeguards for data are passwords and encryption.

Passwords implemented to protect your most sensitive data should be the strongest they can reasonably be. That means passwords that are random, complex and long (at least 10 characters), that are changed regularly and that are closely guarded by those who know them. Employee training on the basics of secure passwords and their importance is a must.

Passwords alone may not be sufficient to protect sensitive data. Businesses may want to consider two-factor authentication, which often combines a password with another verification method, such as a dynamic personal identification number, or PIN.

Some popular methods of two-factor identification include:

- Something the requestor individually knows as a secret, such as a password or a PIN.
- Something the requestor uniquely possesses, such as a passport, physical token or ID card.
- Something the requestor can uniquely provide as biometric data, such as a fingerprint or face geometry.

Another essential data protection technology is encryption. Encryption has been used to protect sensitive data and communications for decades, and today's encryption is very affordable, easy-to-use and highly effective in protecting data from prying eyes.

Encryption encodes or scrambles information to such an advanced degree that it is unreadable and unusable by anyone who does not have the proper key to unlock the data. The key is like a password, so it's very important that the key is properly protected at all times.

Encryption is affordable for even the smallest business, and some encryption software is free. You can use encryption to encrypt or protect an entire hard drive, a specific folder on a drive or just a single document. You can also use encryption to protect data on a USB or thumb drive and on any other removable media.

Because not all levels of encryption are created equal, businesses should consider using a data encryption method that is FIPS-certified (Federal Information Processing Standard), which means it has been certified for compliance with federal government security protocols.

Back up your data

Just as critical as protecting your data is backing it up. In the event that your data is stolen by thieves or hackers, or even erased accidentally by an employee, you will at least have a copy to fall back on.

Put a policy in place that specifies what data is backed up and how; how often it's backed up; who is responsible for creating backups; where and how the backups are stored; and who has access to those backups.

Small businesses have lots of affordable backup options, whether it's backing up to an external drive in your office, or backing up automatically and online so that all your data is stored at a remote and secure data center.

Remember, physical media such as a disc or drive used to store a data backup is vulnerable no matter where it is, so make sure you guard any backups stored in your office or off site and also make sure that your backup data storage systems are encrypted.

6. Plan for data loss or theft

Every business has to plan for the unexpected, and that includes the loss or theft of data from your business. Not only can the loss or theft of data hurt your business, brand and customer confidence, it can also expose you to the often-costly state and federal regulations that cover data protection and privacy. Data loss can also expose businesses to significant litigation risk.

That's why it's critical to understand exactly what data or security breach regulations affect your business and how prepared you are to respond to them. That should be the foundation of a data breach response plan that will make it easier to launch a rapid and coordinated response to any loss or theft of data.

At the very least, all employees and contractors should understand that they must immediately report any loss or theft of information to the appropriate company officer. And because data privacy and breach laws can be very broad and strict, no loss should be ignored. So even if you have sensitive data that just can't be accounted for, such as an employee who doesn't remember where he left a backup tape, it may still constitute a data breach and you should act accordingly.

And just in case you don't think a data breach could happen at your small business, think about this. In 2010, the U.S. Secret Service and Verizon Communications Inc.'s forensic analysis unit responded to a combined 761 data breaches. Of those, 482, or 63 percent, were at companies with 100 employees or fewer. And in 2011 Visa estimated that about 95 percent of the credit-card data breaches it discovers are on its smallest business customers.

The Online Trust Alliance has a comprehensive guide to understand and preparing for data breaches, available at <https://otalliance.org/resources/2011DataBreachGuide.pdf>.

The Federal Trade Commission has materials to help small businesses secure data in their care and protect their customers' privacy, including an interactive video tutorial, at <http://business.ftc.gov/privacy-and-security>.

Scams and Fraud

New telecommunication technologies may offer countless opportunities for small businesses, but they also offer cyber criminals many new ways to victimize your business, scam your customers and hurt your reputation. Businesses of all sizes should be aware of the most common scams perpetrated online.

To protect your business against online scams, be cautious when visiting web links or opening attachments from unknown senders, make sure to keep all software updated, and monitor credit cards for unauthorized activity.

Cyber Plan Action Items:

1. Train employees to recognize social engineering

Social engineering, also known as "pretexting," is used by many criminals, both online and off, to trick unsuspecting people into giving away their personal information and/or installing malicious software onto their computers, devices or networks. Social engineering is successful because the bad guys are doing their best to make their work look and sound legitimate, sometimes even helpful, which makes it easier to deceive users.

Most offline social engineering occurs over the telephone, but it frequently occurs online, as well. Information gathered from social networks or posted on websites can be enough to create a convincing ruse to trick your employees. For example, LinkedIn profiles, Facebook posts and Twitter messages can allow a criminal to assemble detailed dossiers on employees. Teaching people the risks involved in sharing personal or business details on the Internet can help you partner with your staff to prevent both personal and organizational losses.

Many criminals use social engineering tactics to get individuals to voluntarily install malicious computer software such as fake antivirus, thinking they are doing something that will help make them more secure. Fake antivirus is designed to steal information by mimicking legitimate security software. Users who are tricked into loading malicious programs on their computers may be providing remote control capabilities to an attacker, unwittingly installing software that can steal financial information or simply try to sell them fake security software. The malware can also make system modifications which make it difficult to terminate the program. The presence of pop-ups displaying unusual security warnings and asking for credit card or personal information is the most obvious method of identifying a fake antivirus infection.

2. Protect against online fraud

Online fraud takes on many guises that can impact everyone, including small businesses and their employees. It is helpful to maintain consistent and predictable online messaging when communicating with your customers to prevent others from impersonating your company.

Be sure to never request personal information or account details through email, social networking or other online messages. Let your customers know you will never request this kind of information through such channels and instruct them to contact you directly should they have any concerns.

3. Protect against phishing

Phishing is the technique used by online criminals to trick people into thinking they are dealing with a trusted website or other entity. Small businesses face this threat from two directions -- phishers may be impersonating them to take advantage of unsuspecting customers, and phishers may be trying to steal their employees' online credentials. Attackers often take advantage of current events and certain types of the year, such as:

- Natural disasters (Hurricane Katrina, Indonesian tsunami)

- Epidemics and health scares (H1N1)
- Economic concerns
- Major political elections
- Holidays

Businesses should ensure that their online communications never ask their customers to submit sensitive information via email, personal visits, or phone. Make a clear statement in your communications reinforcing that you will never ask for personal information via email so that if someone targets your customers, they may realize the request is a scam.

Employee awareness is your best defense against your users being tricked into handing over their usernames and passwords to cyber criminals. Explain to everyone that they should never respond to incoming messages requesting private information. If a stranger claims to be from a legitimate organization, verify his or her identity with his or her stated company before sharing any personal or classified information. Also, to avoid being led to a fake site, employees should know to never click on a link sent by email from an untrustworthy source. Employees needing to access a website link sent from a questionable source should open an Internet browser window and manually type in the site's web address to make sure the emailed link is not maliciously redirecting to a dangerous site.

This advice is especially critical for protecting online banking accounts belonging to your organization. Criminals are targeting small business banking accounts more than any other sector. If you believe you have revealed sensitive information about your organization, make sure to:

- Report it to appropriate people within your organization
- Contact your financial institution and close any accounts that may have been compromised (if you believe financial data is at risk)
- Change any passwords you may have revealed, and if you used the same password for multiple resources, make sure to change it for each account

4. Don't fall for fake antivirus offers

Fake antivirus, "scareware" and other rogue online security scams have been behind some of the most successful online frauds in recent times. Make sure your organization has a policy in place explaining what the procedure is if an employee's computer becomes infected by a virus.

Train your employees to recognize a legitimate warning message (using a test file from eicar.org, for example) and to properly notify your IT team if something bad or questionable has happened.

If possible, configure your computers to not allow regular users to have administrative access. This will minimize the risk of them installing malicious software and condition users that adding unauthorized software to work computers is against policy.

5. Protect against malware

Businesses can experience a compromise through the introduction of malicious software, or malware. Malware can make its way onto machines from the Internet, downloads, attachments, email, social media, and other platforms. One specific malware to be aware of is key logging, which is malware that tracks a user's keyboard strokes.

Many businesses are falling victim to key-logging malware being installed on computer systems in their environment. Once installed, the malware can record keystrokes made on a computer, allowing bad guys to see passwords, credit card numbers and other confidential data. Keeping security software up to date and patching your computers regularly will make it more difficult for this type of malware to infiltrate your network.

6. Develop a layered approach to guard against malicious software

Despite progress in creating more awareness of security threats on the Internet, malware authors are not giving up. The malware research firm SophosLabs reports seeing more than 100,000 unique malicious software samples every single day.

Effective protection against viruses, Trojans and other malicious software requires a layered approach to your defenses. Antivirus software is a must, but should not be a company's only line of defense. Instead, deploy a combination of many techniques to keep your environment safe.

Also, be careful with the use of thumb drives and other removable media. These media could have malicious software pre-installed that can infect your computer, so make sure you trust the source of the removable media devices before you use them.

Combining the use of web filtering, antivirus signature protection, proactive malware protection, firewalls, strong security policies and employee training significantly lowers the risk of infection. Keeping protection software up to date along with your operating system and applications increases the safety of your systems.

7. Be aware of spyware and adware

Spyware and adware, when installed will send pop-up ads, redirect to certain websites, and monitor websites that you visit. Extreme versions can track what keys are typed. Spyware can cause your computer to become slow and also leaves you susceptible to privacy theft. If you are subject to endless pop-up windows or are regularly redirected to websites other than what you type in your browser, your computer is likely infected with spyware.

To remove spyware run an immediate full scan of your computer with anti-virus software and if necessary run a legitimate product specifically designed to remove spyware. To avoid being infected with spyware, limit cookies on your browser preferences, never click on links within pop-up windows, and be wary of free downloadable software from un reputable sources.

8. Verify the identity of telephone information seekers

Most offline social engineering occurs over the telephone. Information gathered through social networks and information posted on websites can be enough to create a convincing ruse to trick your employees. Ensure that you train employees to never disclose customer information, usernames, passwords or other sensitive details to incoming callers. When someone requests information, always contact the person back using a known phone number or email account to verify the identity and validity of the individual and their request.

Helpful links

- Use the Department of Homeland Security's Stop.Think.Connect.™ Campaign's resources created especially for businesses to train their employees: www.dhs.gov/stophinkconnect
- Find the most updated patches for your computer and software applications: <http://www.softwarepatch.com/>
- Free computer security scan tools for your PC or network: <http://www.staysafeonline.org/tools-resources/free-security-check-ups>
- Stay on top of the latest scams, frauds and security threats as they happen: <http://nakedsecurity.sophos.com/>
- Additional tips to prevent against phishing: <http://www.fraud.org/scams/internet-fraud/phishing>
- Learn how to resist phishing techniques with this interactive game: http://cups.cs.cmu.edu/antiphishing_phil/

Network Security

Securing your company's network consists of: (1) identifying all devices and connections on the network; (2) setting boundaries between your company's systems and others; and (3) enforcing controls to ensure that unauthorized access, misuse, or denial-of-service events can be thwarted or rapidly contained and recovered from if they do occur.

Cyber Plan Action Items:

1. Secure internal network and cloud services

Your company's network should be separated from the public Internet by strong user authentication mechanisms and policy enforcement systems such as firewalls and web filtering proxies. Additional monitoring and security solutions, such as anti-virus software and intrusion detection systems, should also be employed to identify and stop malicious code or unauthorized access attempts.

Internal network

After identifying the boundary points on your company's network, each boundary should be evaluated to determine what types of security controls are necessary and how they can be best deployed. Border routers should be configured to only route traffic to and from your company's public IP addresses, firewalls should be deployed to restrict traffic only to and from the minimum set of necessary services, and intrusion prevention systems should be configured to monitor for suspicious activity crossing your network perimeter. In order to prevent bottlenecks, all security systems you deploy to your company's network perimeter should be capable of handling the bandwidth that your carrier provides.

Cloud based services

Carefully consult your terms of service with all cloud service providers to ensure that your company's information and activities are protected with the same degree of security you would intend to provide on your own. Request security and auditing from your cloud service providers as applicable to your company's needs and concerns. Review and understand service level agreements, or SLAs, for system restoration and reconstitution time.

You should also inquire about additional services a cloud service can provide. These services may include backup-and-restore services and encryption services, which may be very attractive to small businesses.

2. Develop strong password policies

Generally speaking, two-factor authentication methods, which require two types of evidence that you are who you claim to be, are safer than using just static passwords for authentication. One common example is a personal security token that displays changing passcodes to be used in conjunction with an established password. However, two-factor systems may not always be possible or practical for your company.

Password policies should encourage your employees to employ the strongest passwords possible without creating the need or temptation to reuse passwords or write them down. That means passwords that are random, complex and long (at least 10 characters), that are changed regularly, and that are closely guarded by those who know them.

3. Secure and encrypt your company's Wi-Fi

Wireless access control

Your company may choose to operate a Wireless Local Area Network (WLAN) for the use of customers, guests and visitors. If so, it is important that such a WLAN be kept separate from the main company network so that traffic from the public network cannot traverse the company's internal systems at any point.

Internal, non-public WLAN access should be restricted to specific devices and specific users to the greatest extent possible while meeting your company's business needs. Where the internal WLAN has less stringent access controls than your company's wired network, dual connections -- where a device is able to connect to both the wireless and wired networks simultaneously -- should be prohibited by technical controls on each such capable device (e.g., BIOS-level LAN/WLAN switch settings). All users should be given unique credentials with preset expiration dates to use when accessing the internal WLAN.

Wireless encryption

Due to demonstrable security flaws known to exist in older forms of wireless encryption, your company's internal WLAN should only employ Wi-Fi Protected Access 2 (WPA2) encryption.

4. Encrypt sensitive company data

Encryption should be employed to protect any data that your company considers sensitive, in addition to meeting applicable regulatory requirements on information safeguarding. Different encryption schemes are appropriate under different circumstances. However, applications that comply with the OpenPGP standard, such as PGP and GnuPG, provide a wide range of options for securing data on disk as well as in transit. If you choose to offer secure transactions via your company's website, consult with your service provider about available options for an SSL certificate for your site.

5. Regularly update all applications

All systems and software, including networking equipment, should be updated in a timely fashion as patches and firmware upgrades become available. Use automatic updating services whenever possible, especially for security systems such as anti-malware applications, web filtering tools and intrusion prevention systems.

6. Set safe web browsing rules

Your company's internal network should only be able to access those services and resources on the Internet that are essential to the business and the needs of your employees. Use the safe browsing features included with modern web browsing software and a web proxy to ensure that malicious or unauthorized sites cannot be accessed from your internal network.

7. If remote access is enabled, make sure it is secure

If your company needs to provide remote access to your company's internal network over the Internet, one popular and secure option is to employ a secure Virtual Private Network (VPN) system accompanied by strong two-factor authentication, using either hardware or software tokens.

8. Create Safe-Use Flash Drive Policy

Ensure employees never put any unknown flash drive or USBs into their computer. As the U.S. Chamber's *Internet Security Essentials for Business 2.0* states, small businesses should set a policy so that employees know they should

never open a file from a flash drive they are not familiar with and should hold down the Shift key when inserting the flash drive to block malware.

Helpful links

- Microsoft Password Strength Checker:
<https://www.microsoft.com/security/pc-security/password-checker.aspx>
- Philip Zimmerman, Where to Get PGP:
<http://philzimmermann.com/EN/findpgp/>
- US-CERT Security Publications:
http://www.us-cert.gov/reading_room/
- NIST Special Publication 800-153, Draft Guidelines for Securing Wireless Local Area Networks (WLANs):
<http://csrc.nist.gov/publications/nistpubs/800-153/sp800-153.pdf>
- U.S. Chamber of Commerce: Internet Security Essentials for Business 2.0
<https://www.uschamber.com/sites/default/files/issues/technology/files/ISEB-2.0-CyberSecurityGuide.pdf>

Website Security

Website security is more important than ever. Web servers, which host the data and other content available to your customers on the Internet, are often the most targeted and attacked components of a company's network. Cyber criminals are constantly looking for improperly secured websites to attack, while many customers say website security is a top consideration when they choose to shop online. As a result, it is essential to secure servers and the network infrastructure that supports them. The consequences of a security breach are great: loss of revenues, damage to credibility, legal liability and loss of customer trust.

The following are examples of specific security threats to web servers:

- Cyber criminals may exploit software bugs in the web server, underlying operating system, or active content to gain unauthorized access to the web server. Examples of unauthorized access include gaining access to files or folders that were not meant to be publicly accessible and being able to execute commands and/or install malicious software on the web server.
- Denial-of-service attacks may be directed at the web server or its supporting network infrastructure to prevent or hinder your website users from making use of its services. This can include preventing the user from accessing email, websites, online accounts or other services. The most common attack occurs when the attacker floods a network with information, so that it can't process the user's request.
- Sensitive information on the web server may be read or modified without authorization.
- Sensitive information on backend databases that are used to support interactive elements of a web application may be compromised through the injection of unauthorized software commands. Examples include Structured Query Language (SQL) injection, Lightweight Directory Access Protocol (LDAP) injection and cross-site scripting (XSS).
- Sensitive unencrypted information transmitted between the web server and the browser may be intercepted.
- Information on the web server may be changed for malicious purposes. Website defacement is a commonly reported example of this threat.
- Cyber criminals may gain unauthorized access to resources elsewhere in the organization's network via a successful attack on the web server.
- Cyber criminals may also attack external entities after compromising a web server. These attacks can be launched directly (e.g., from the compromised server against an external server) or indirectly (e.g., placing malicious content on the compromised web server that attempts to exploit vulnerabilities in the web browsers of users visiting the site).
- The server may be used as a distribution point for attack tools, pornography or illegally copied software.

Cyber Plan Action Items:

1. Carefully plan and address the security aspects of the deployment of a public web server.

Because it is much more difficult to address security once deployment and implementation have occurred, security should be considered from the initial planning stage. Businesses are more likely to make decisions about configuring computers appropriately and consistently when they develop and use a detailed, well-designed deployment plan. Developing such a plan will support web server administrators in making the inevitable tradeoff decisions between usability, performance and risk.

Businesses also need to consider the human resource requirements for the deployment and continued operation of the web server and supporting infrastructure. The following points in a deployment plan:

- Types of personnel required -- for example, system and web server administrators, webmasters, network administrators and information systems security personnel.

- Skills and training required by assigned personnel.
- Individual (i.e., the level of effort required of specific personnel types) and collective staffing (i.e., overall level of effort) requirements.

2. Implement appropriate security management practices and controls when maintaining and operating a secure web server.

Appropriate management practices are essential to operating and maintaining a secure web server. Security practices include the identification of your company's information system assets and the development, documentation and implementation of policies, and guidelines to help ensure the confidentiality, integrity and availability of information system resources. The following practices and controls are recommended:

- A business-wide information system security policy.
- Server configuration and change control and management.
- Risk assessment and management.
- Standardized software configurations that satisfy the information system security policy.
- Security awareness and training.
- Contingency planning, continuity of operations and disaster recovery planning.
- Certification and accreditation.

3. Ensure that web server operating systems meet your organization's security requirements.

The first step in securing a web server is securing the underlying operating system. Most commonly available web servers operate on a general-purpose operating system. Many security issues can be avoided if the operating systems underlying web servers are configured appropriately. Default hardware and software configurations are typically set by manufacturers to emphasize features, functions and ease of use at the expense of security. Because manufacturers are not aware of each organization's security needs, each web server administrator must configure new servers to reflect their business' security requirements and reconfigure them as those requirements change. Using security configuration guides or checklists can assist administrators in securing systems consistently and efficiently. Initially securing an operating system initially generally includes the following steps:

- Patch and upgrade the operating system.
- Change all default passwords
- Remove or disable unnecessary services and applications.
- Configure operating system user authentication.
- Configure resource controls.
- Install and configure additional security controls.
- Perform security testing of the operating system.

4. Ensure the web server application meets your organization's security requirements.

In many respects, the secure installation and configuration of the web server application will mirror the operating system process discussed above. The overarching principle is to install the minimal amount of web server services required and eliminate any known vulnerabilities through patches or upgrades. If the installation program installs any unnecessary applications, services or scripts, they should be removed immediately after the installation process concludes. Securing the web server application generally includes the following steps:

- Patch and upgrade the web server application.
- Remove or disable unnecessary services, applications and sample content.

- Configure web server user authentication and access controls.
- Configure web server resource controls.
- Test the security of the web server application and web content.

5. Ensure that only appropriate content is published on your website.

Company websites are often one of the first places cyber criminals search for valuable information. Still, many businesses lack a web publishing process or policy that determines what type of information to publish openly, what information to publish with restricted access and what information should not be published to any publicly accessible repository. Some generally accepted examples of what should not be published or at least should be carefully examined and reviewed before being published on a public website include:

- Classified or proprietary business information.
- Sensitive information relating to your business' security.
- Medical records.
- A business' detailed physical and information security safeguards.
- Details about a business' network and information system infrastructure -- for example, address ranges, naming conventions and access numbers.
- Information that specifies or implies physical security vulnerabilities.
- Detailed plans, maps, diagrams, aerial photographs and architectural drawings of business buildings, properties or installations.
- Any sensitive information about individuals that might be subject to federal, state or, in some instances, international privacy laws.

6. Ensure appropriate steps are taken to protect web content from unauthorized access or modification.

Although information available on public websites is intended to be public (assuming a credible review process and policy is in place), it is still important to ensure that information cannot be modified without authorization. Users of such information rely on its integrity even if the information is not confidential. Content on publicly accessible web servers is inherently more vulnerable than information that is inaccessible from the Internet, and this vulnerability means businesses need to protect public web content through the appropriate configuration of web server resource controls. Examples of resource control practices include:

- Install or enable only necessary services.
- Install web content on a dedicated hard drive or logical partition.
- Limit uploads to directories that are not readable by the web server.
- Define a single directory for all external scripts or programs executed as part of web content.
- Disable the use of hard or symbolic links.
- Define a complete web content access matrix identifying which folders and files in the web server document directory are restricted, which are accessible, and by whom.
- Disable directory listings.
- Deploy user authentication to identify approved users, digital signatures and other cryptographic mechanisms as appropriate.
- Use intrusion detection systems, intrusion prevention systems and file integrity checkers to spot intrusions and verify web content.
- Protect each backend server (i.e., database server or directory server) from command injection attacks.

7. Use active content judiciously after balancing the benefits and risks.

Static information resided on the servers of most early websites, typically in the form of text-based documents. Soon thereafter, interactive elements were introduced to offer new opportunities for user interaction.

Unfortunately, these same interactive elements introduced new web-related vulnerabilities. They typically involve dynamically executing code using a large number of inputs, from web page URL parameters to hypertext transfer protocol (HTTP) content and, more recently, extensible markup language (XML) content. Different active content technologies pose different related vulnerabilities, and their risks should be weighed against their benefits. Although most websites use some form of active content generators, many also deliver some or all of their content in a static form.

8. Use authentication and cryptographic technologies as appropriate to protect certain types of sensitive data.

Public web servers often support technologies for identifying and authenticating users with differing privileges for accessing information. Some of these technologies are based on cryptographic functions that can provide a secure channel between a web browser client and a web server that supports encryption. Web servers may be configured to use different cryptographic algorithms, providing varying levels of security and performance.

Without proper user authentication in place, businesses cannot selectively restrict access to specific information. All information that resides on a public web server is then accessible by anyone with access to the server. In addition, without some process to authenticate the server, users of the public web server will not be able to determine whether the server is the “authentic” web server or a counterfeit version operated by a cyber criminal.

Even with an encrypted channel and an authentication mechanism, it is possible that attackers may attempt to access the site by brute force. Improper authentication techniques can allow attackers to gather valid usernames or potentially gain access to the website. Strong authentication mechanisms can also protect against phishing attacks, in which hackers may trick users into providing their personal credentials, and pharming, in which traffic to a legitimate website may be redirected to an illegitimate one. An appropriate level of authentication should be implemented based on the sensitivity of the web server’s users and content.

9. Employ network infrastructure to help protect public web servers.

The network infrastructure (e.g., firewalls, routers, intrusion detection systems) that supports the web server plays a critical security role. In most configurations, the network infrastructure will be the first line of defense between a public web server and the Internet. Network design alone, though, cannot protect a web server. The frequency, sophistication and variety of web server attacks perpetrated today support the idea that web server security must be implemented through layered and diverse protection mechanisms, an approach sometimes referred to as “defense-in-depth.”

10. Commit to an ongoing process of maintaining web server security.

Maintaining a secure web server requires constant effort, resources and vigilance. Securely administering a web server on a daily basis is essential. Maintaining the security of a web server will usually involve the following steps:

- Configuring, protecting and analyzing log files.
- Backing up critical information frequently.
- Maintaining a protected authoritative copy of your organization’s web content.
- Establishing and following procedures for recovering from compromise.
- Testing and applying patches in a timely manner.

- Testing security periodically.

Email

Email has become a critical part of our everyday business, from internal management to direct customer support. The benefits associated with email as a primary business tool far outweigh the negatives. However, businesses must be mindful that a successful email platform starts with basic principles of email security to ensure the privacy and protection of customer and business information.

Cyber Plan Action Items:

1. Set up a spam email filter

It has been well documented that spam, phishing attempts and otherwise unsolicited and unwelcome email often accounts for more than 60 percent of all email that an individual or business receives. Email is the primary method for spreading viruses and malware and it is one of the easiest to defend against. Consider using email-filtering services that your email service, hosting provider or other cloud providers offer. A local email filter application is also an important component of a solid antivirus strategy. Ensure that automatic updates are enabled on your email application, email filter and anti-virus programs. Ensure that filters are reviewed regularly so that important email and/or domains are not blocked in error.

2. Train your employees in responsible email usage

The last line of defense for all of your cyber risk efforts lies with the employees who use tools such as email and their responsible and appropriate use and management of the information under their control. Technology alone cannot make a business secure. Employees must be trained to identify risks associated with email use, how and when to use email appropriate to their work, and when to seek assistance of professionals. Employee awareness training is available in many forms, including printed media, videos and online training.

Consider requiring security awareness training for all new employees and refresher courses every year. Simple efforts such as monthly newsletters, urgent bulletins when new viruses are detected, and even posters in common areas to remind your employees of key security and privacy to-do's create a work environment that is educated in protecting your business.

3. Protect sensitive information sent via email

With its proliferation as a primary tool to communicate internally and externally, business email often includes sensitive information. Whether it is company information that could harm your business or regulated data such as personal health information (PHI) or personally identifiable information (PII), it is important to ensure that such information is only sent and accessed by those who are entitled to see it.

Since email in its native form is not designed to be secure, incidents of misaddressing or other common accidental forwarding can lead to data leakage. Businesses that handle this type of information should consider whether such information should be sent via email, or at least consider using email encryption. Encryption is the process of converting data into unreadable format to prevent disclosure to unauthorized personnel. Only individuals or organizations with access to the encryption key can read the information. Other cloud services offer "Secure Web Enabled Drop Boxes" that enable secure data transfer for sensitive information, which is often a better approach to transmitting between companies or customers.

4. Set a sensible email retention policy

Another important consideration is the management of email that resides on company messaging systems and your users' computers. From the cost of storage and backup to legal and regulatory requirements, companies should

document how they will handle email retention and implement basic controls to help them attain those standards. Many industries have specific rules that dictate how long emails can or should be retained, but the basic rule of thumb is only as long as it supports your business efforts. Many companies implement a 60-90 day retention standard if not compelled by law to another retention period.

To ensure compliance, companies should consider mandatory archiving at a chosen retention cycle end date and automatic permanent email removal after another set point, such as 180-360 days in archives. In addition, organizations should discourage the use of personal folders on employee computers (most often configurable from the e-mail system level), as this will make it more difficult to manage company standards.

5. Develop an email usage policy

Policies are important for setting expectations with your employees or users, and for developing standards to ensure adherence to your published policies.

Your policies should be easy to read, understand, define and enforce. Key areas to address include what the company email system should and should not be used for, and what data are allowed to be transmitted. Other policy areas should address retention, privacy and acceptable use.

Depending on your business and jurisdiction, you may have a need for email monitoring. The rights of the business and the user should be documented in the policy as well. The policy should be part of your general end user-awareness training and reviewed for updates on a yearly basis.

For a sample email usage policy, see: http://www.sans.org/security-resources/policies/Email_Policy.pdf

Mobile Devices

If your company uses mobile devices to conduct company business, such as accessing company email or sensitive data, pay close attention to mobile security and the potential threats that can expose and compromise your overall business networks. This section describes the mobile threat environment and the practices that small businesses can use to help secure devices such as smartphones, tablets and Wi-Fi enabled laptops.

Many organizations are finding that employees are most productive when using mobile devices, and the benefits are too great to ignore. But while mobility can increase workplace productivity, allowing employees to bring their own mobile devices into the enterprise can create significant security and management challenges.

Data loss and data breaches caused by lost or stolen phones create big challenges, as mobile devices are now used to store confidential business information and access the corporate network. According to a December 2010 Symantec mobile security survey, 68 percent of respondents ranked loss or theft as their top mobile-device security concern, while 56 percent said mobile malware is their number two concern. It is important to remember that while the individual employee may be liable for a device, the company is still liable for the data.

Top threats targeting mobile devices

- *Data Loss* – An employee or hacker accesses sensitive information from device or network. This can be unintentional or malicious, and is considered the biggest threat to mobile devices
- *Social Engineering Attacks* – A cyber criminal attempts to trick users to disclose sensitive information or install malware. Methods include phishing and targeted attacks.
- *Malware* – Malicious software that includes traditional computer viruses, computer worms and Trojan horse programs. Specific examples include the Ikee worm, targeting iOS-based devices; and Pjapps malware that can enroll infected Android devices in a collection of hacker-controlled “zombie” devices known as a “botnet.”
- *Data Integrity Threats* – Attempts to corrupt or modify data in order to disrupt operations of a business for financial gain. These can also occur unintentionally.
- *Resource Abuse* – Attempts to misuse network, device or identity resources. Examples include sending spam from compromised devices or denial of service attacks using computing resources of compromised devices.
- *Web and Network-based Attacks* – Launched by malicious websites or compromised legitimate sites, these target a device’s browser and attempt to install malware or steal confidential data that flows through it.

Cyber Plan Action Items:

A few simple steps can to help ensure company information is protected. These include requiring all mobile devices that connect to the business network be equipped with security software and password protection; and providing general security training to make employees aware of the importance of security practices for mobile devices. More specific practices are detailed below.

1. Use security software on all smartphones

Security software specifically designed for smartphones can stop hackers and prevent cyber criminals from stealing your information or spying on you when you use public networks. It can detect and remove viruses and other mobile threats before they cause you problems. It can also eliminate annoying text and multimedia spam messages.

2. Make sure all software is up to date

Mobile devices must be treated like personal computers in that all software on the devices should be kept current, especially the security software. This will protect devices from new variants of malware and viruses that threaten your company's critical information.

3. Encrypt the data on mobile devices

Business and personal information stored on mobile devices is often sensitive. Encrypting this data is another must. If a device is lost and the SIM card stolen, the thief will not be able to access the data if the proper encryption technology is loaded on the device.

4. Have users password protect access to mobile devices

In addition to encryption and security updates, it is important to use strong passwords to protect data stored on mobile devices. This will go a long way toward keeping a thief from accessing sensitive data if the device is lost or hacked.

5. Urge users to be aware of their surroundings

Whether entering passwords or viewing sensitive or confidential data, users should be cautious of who might be looking over their shoulder.

6. Employ these strategies for email, texting and social networking

Avoid opening unexpected text messages from unknown senders – As with email, attackers can use text messages to spread malware, phishing scams and other threats among mobile device users. The same caution should be applied to opening unsolicited text messages that users have become accustomed to with email.

Don't be lured in by spammers and phishers – To shield business networks from cyber criminals, small businesses should deploy appropriate email security solutions, including spam prevention, which protect a company's reputation and manage risks.

Click with caution – Just like on stationary PCs, social networking on mobile devices and laptops should be conducted with care and caution. Users should not open unidentified links, chat with unknown people or visit unfamiliar sites. It doesn't take much for a user to be tricked into compromising a device and the information on it.

7. Set reporting procedures for lost or stolen equipment

In the case of a loss or theft, employees and management should all know what to do next. Processes to deactivate the device and protect its information from intrusion should be in place. Products are also available for the automation of such processes, allowing small businesses to breathe easier after such incidents.

8. Ensure all devices are wiped clean prior to disposal

Most mobile devices have a reset function that allows all data to be wiped. SIM cards should also be removed and destroyed.

Helpful links:

- Teach your employees about mobile apps:
<http://onguardonline.gov/articles/0018-understanding-mobile-apps>
- Keep your laptops secure:
<http://onguardonline.gov/articles/0015-laptop-security>

Employees

Businesses must establish formal recruitment and employment processes to control and preserve the quality of their employees. Many employers have learned the hard way that hiring someone with a criminal record, falsified credentials or undesirable background can create a legal and financial nightmare.

Without exercising due diligence in hiring, employers run the risk of making unwise hiring choices that can lead to workplace violence, theft, embezzlement, lawsuits for negligent hiring and numerous other workplace problems.

Cyber Plan Action Items:

1. Develop a hiring process that properly vets candidates

The hiring process should be a collaborative effort among different groups of your organization, including recruitment, human resources, security, legal and management teams. It is important to have a solid application, resume, interview and reference-checking process to identify potential gaps and issues that may appear in a background check.

An online employment screening resource called the “Online Safe Hiring Certification Course” can help you set the groundwork for a safe recruitment process. The course will teach your teams what to look for in the different stages of the hiring process, how to interview and how to set up a safe hiring program to avoid hiring an employee that may be problematic. The course is available here: <http://www.esrcheck.com/ESRonlineSafeHiringCourse.php>.

2. Perform background checks and credentialing

Background checks are essential and must be consistent. Using a background screening company is highly recommended. The standard background screening should include the following checks:

- Employment verification
- Education verification
- Criminal records
- Drug testing
- The U.S. Treasury Office of Foreign Affairs and Control
- Sex offender registries
- Social Security traces and validation

Depending on the type of your business, other screening criteria may consist of credit check, civil checks and federal criminal checks. Conducting post-hire checks for all employees every two to three years, depending on your industry, is also recommended.

If you do conduct background checks, you as an employer have obligations under the Fair Credit Reporting Act. For more information about employer obligations under the FCRA, visit <http://business.ftc.gov/documents/bus08-using-consumer-reports-what-employers-need-know>.

3. Take care in dealing with third parties

Employers should properly vet partner companies through which your organization hires third-party consultants. To ensure consistent screening criteria are enforced for third-party consultants, you need to explicitly set the credentialing requirements in your service agreement. State in the agreement that the company’s credentialing requirements must be followed.

4. Set appropriate access controls for employees

Both client data and internal company data are considered confidential and need particular care when viewed, stored, used, transmitted or disposed. It is important to analyze the role of each employee and set data access control based upon the role. If a role does not require the employee to ever use sensitive data, the employee's access to the data should be strictly prohibited. However, if the role requires the employee to work with sensitive data, the level of access must be analyzed thoroughly and be assigned in a controlled and tiered manner following "least-privilege" principles, which allow the employee to only access data that is necessary to perform his or her job.

If the organization does not have a system in place to control data access, the following precautions are strongly recommended. Every employee should:

- Never access or view client data without a valid business reason. Access should be on a need-to-know basis.
- Never provide confidential data to anyone – client representatives, business partners or even other employees – unless you are sure of the identity and authority of that person.
- Never use client data for development, testing, training presentations or any purpose other than providing production service, client-specific testing or production diagnostics. Only properly sanitized data that cannot be traced to a client, client employee, customer or your organization's employee should be used for such purposes.
- Always use secure transmission methods such as secure email, secure file transfer (from application to application) and encrypted electronic media (e.g., CDs, USB drives or tapes).
- Always keep confidential data (hard copy and electronic) only as long as it is needed.
- Follow a "clean desk" policy, keeping workspaces uncluttered and securing sensitive documents so that confidential information does not get into the wrong hands.
- Always use only approved document disposal services or shred all hardcopy documents containing confidential information when finished using them. Similarly, use only approved methods that fully remove all data when disposing of, sending out for repair or preparing to reuse electronic media.

5. Provide security training for employees

Security awareness training teaches employees to understand system vulnerabilities and threats to business operations that are present when using a computer on a business network.

A strong IT security program must include training IT users on security policy, procedures and techniques, as well as the various management, operational and technical controls necessary and available to keep IT resources secure. In addition, IT infrastructure managers must have the skills necessary to carry out their assigned duties effectively. Failure to give attention to the area of security training puts an enterprise at great risk because security of business resources is as much a human issue as it is a technology issue.

Technology users are the largest audience in any organization and are the single most important group of people who can help to reduce unintentional errors and IT vulnerabilities. Users may include employees, contractors, foreign or domestic guest researchers, other personnel, visitors, guests and other collaborators or associates requiring access. Users must:

- Understand and comply with security policies and procedures.
- Be appropriately trained in the rules of behavior for the systems and applications to which they have access.
- Work with management to meet training needs.
- Keep software and applications updated with security patches.
- Be aware of actions they can take to better protect company information. These actions include: proper password usage, data backup, proper antivirus protection, reporting any suspected incidents or violations of

security policy, and following rules established to avoid social engineering attacks and deter the spread of spam or viruses and worms.

A clear categorization of what is considered sensitive data versus non-sensitive data is also needed. Typically, the following data are considered sensitive information that should be handled with precaution:

- Government issued identification numbers (e.g., Social Security numbers, driver's license numbers)
- Financial account information (bank account numbers, credit card numbers)
- Medical records
- Health insurance information
- Salary information
- Passwords

The training should cover security policies for all means of access and transmission methods, including secure databases, email, file transfer, encrypted electronic media and hard copies.

Employers should constantly emphasize the critical nature of data security. Regularly scheduled refresher training courses should be established in order to instill the data security culture of your organization. Additionally, distribute data privacy and security related news articles in your training, and send organization-wide communication on notable data privacy related news as reminders to your employees.

6. Implement Employee Departure Checklist

Create a security checkout checklist for employees that are no longer with your company, regardless of their reason for leaving (voluntary or involuntary). It's recommended by the U.S. Chamber of Commerce and others that all small businesses ensure terminated employee accounts are erased on all network devices and drives immediately. This is especially true for any devices that may have been taken offsite such as laptops and smartphones.

Helpful links

- Stop.Think.Connect. Internal Employee Rollout Materials
<http://www.dhs.gov/stopthinkconnect>
- Internet Safety at Work PowerPoint Presentation
<http://go.microsoft.com/?linkid=9745638>
- Tip Cards: Top Tips for Internet Safety at Work
<http://go.microsoft.com/?linkid=9745642>
- Video: "Stay Sharp on Internet Safety at Work"
<http://go.microsoft.com/?linkid=9745640>
- U.S. Chamber of Commerce: Internet Security Essentials for Business 2.0
<https://www.uschamber.com/sites/default/files/issues/technology/files/ISEB-2.0-CyberSecurityGuide.pdf>

Facility Security

Protecting employees and members of the public who visit your facility is a complex and challenging responsibility. It's also one of your company's top priorities.

Cyber Plan Action Items:

1. Recognize the importance of securing your company facilities

The physical security of a facility depends on a number of security decisions that can be identified through a comprehensive risk-management process. The objective of risk management is to identify an achievable level of protection for your company that corresponds as closely as possible to the level of risk without exceeding the risk.

It is easy to think about physical security of your company's facility as merely an exercise in maintaining control of access points and ensuring there is complete visibility in areas that are determined to be of high-risk – either because of the threat of easy public access or because of the value of information located nearby. However, maintaining security of your company's facility also includes the physical environment of public spaces. For instance:

- Employees whose computers have access to sensitive information should not have their computer monitors oriented toward publicly accessible spaces such as reception areas, check-in desks and waiting rooms. Employees should be trained to not write out logins and passwords on small pieces of paper affixed to computer equipment viewable in public spaces.
- Easy-to-grab equipment that could contain sensitive or personally identifiable information – such as laptops, electronic tablets and cell phones – should be located away from public areas. If you have an environment where employees are working in a waiting room or reception area, train them to not leave these types of devices out on their desks unsecured.
- Consider using cable locks as an easy way to increase security for laptop computers. Most laptops feature a lock port for a cable which can be connected to the user's desk. Be sure to store the key to the cable lock in a secure location away from the desk the computer is locked to.
- In cases that extremely sensitive information is stored on a laptop, consider adding a LoJack software system. The software runs unnoticed and allows law enforcement to locate stolen computers more easily and also allows an administrator to wipe the hard drive remotely if necessary.
- Consider implementing a badge identification system for all employees, and train employees to stop and question anyone in the operational business area without a badge or who appears to be an unescorted visitor.

2. Minimize and safeguard printed materials with sensitive information

Probably the most effective way to minimize the risk of losing control of sensitive information from printed materials is to minimize the amount of printed materials that contain sensitive information. Management procedures should limit how many instances and copies of printed reports memoranda and other material containing personally identifiable information exist.

Safeguard copies of material containing sensitive information by providing employees with locking file cabinets or safes. Make it a standard operating procedure to lock up important information. Train employees to understand that simply leaving the wrong printed material on a desk, in view of the general public, can result in consequences that impact the entire company and your customers.

3. Ensure mail security

Your mail center can introduce a wide range of potential threats to your business. Your center's screening and handling processes must be able to identify threats and hoaxes and eliminate or mitigate the risk they pose to facilities, employees and daily operations. Your company should ensure that mail managers understand the range of screening procedures and evaluate them in terms of your specific operational requirements.

4. Dispose of trash securely

Too often, sensitive information – including customers' personally identifiable information, business financial and other data, and company system access information – is available for anyone to find in the trash. Invest in business-grade shredders and buy enough of them to make it convenient for employees. Alternatively, subscribe to a trusted shredding company that will provide locked containers for storage until documents are shredded. Develop standard procedures and employee training programs to ensure that everyone in your company is aware of what types of information need to be shredded.

5. Dispose electronic equipment securely

Be aware that emptying the recycle bin on your desktop or deleting documents from folders on your computer or other electronic device may not delete information forever. Those with advanced computer skills can still access your information even after you think you've destroyed it.

Disposing of electronic equipment requires skilled specialists in order to ensure the security of sensitive information contained within that equipment. If outside help, such as an experienced electronic equipment recycler and data security vendor, is not available or too expensive, you should at a minimum remove computer hard drives and have them shredded. Also, be mindful of risks with other types of equipment associated with computer equipment, including CDs and thumb drives.

6. Train your employees in facility security procedures

A security breach of customer information or a breach of internal company information can result in a public loss of confidence in your company and can be as devastating for your business as a natural disaster. In order to address such risks, you must devote your time, attention and resources (including employee training time) to the potential vulnerabilities in your business environment and the procedures and practices that must be a standard part of each employee's workday.

And while formal training is important to maintaining security, the daily procedures you establish in both the normal conduct of business and in the way you model good security behaviors and practices are equally important. In short, security training should be stressed as critical and reinforced via daily procedures and leadership modeling.

Operational Security

While operational security, or OPSEC, has its origins in securing information important to military operations, it has applications across the business community today.

In a commercial context, OPSEC is the process of denying hackers access to any information about the capabilities or intentions of a business by identifying, controlling and protecting evidence of the planning and execution of activities that are essential the success of operations.

OPSEC is a continuous process that consists of five distinct actions:

- Identify information that is critical to your business.
- Analyze the threat to that critical information.
- Analyze the vulnerabilities to your business that would allow a cyber criminal to access critical information.
- Assess the risk to your business if the vulnerabilities are exploited.
- Apply countermeasures to mitigate the risk factors.

In addition to being a five-step process, OPSEC is also a mindset that all business employees should embrace. By educating oneself on OPSEC risks and methodologies, protecting sensitive information that is critical to the success of your business becomes second nature.

This section explains the OPSEC process and provides some general guidelines that are applicable to most businesses. An understanding of the following terms is required before the process can be explained:

- *Critical information* – Specific data about your business strategies and operations that are needed by cyber criminals to hamper or harm your business from successfully operating.
- *OPSEC indicators* – Business operations and publicly available information that can be interpreted or pieced together by a cyber criminal to derive critical information.
- *OPSEC vulnerability* – A condition in which business operations provide OPSEC indicators that may be obtained and accurately evaluated by a cyber criminal to provide a basis for hampering or harming successful business operations.

Cyber Plan Action Items:

1. Identity of critical information

The identification of critical information is important in that it focuses the remainder of the OPSEC process on protecting vital information rather than attempting to protect all information relevant to business operations. Given that any business has limited time, personnel and money for developing secure business practices, it is essential to focus those limited resources on protecting information that is most critical to successful business operations. Examples of critical information include, but should not be limited to, the following:

- Customer lists and contact information
- Contracts
- Patents and intellectual property
- Leases and deeds
- Policy manuals
- Articles of incorporation
- Corporate papers
- Laboratory notebooks

- Audio tapes
- Video tapes
- Photographs and slides
- Strategic plans and board meeting minutes

Importantly, what is critical information for one business may not be critical for another business. Use your company's mission as a guide for determining what data are truly vital.

2. Analyze threats

This action involves research and analysis to identify likely cyber criminals who may attempt to obtain critical information regarding your company's operations. OPSEC planners in your business should answer the following critical information questions:

- Who might be a cyber criminal (e.g. competitors, politically motivated hackers, etc.)?
- What are the cyber criminal's goals?
- What actions might the cyber criminal take?
- What critical information does the cyber criminal already have on your company's operations? (i.e., what is already publicly available?)

3. Analyze vulnerabilities

The purpose of this action is to identify the vulnerabilities of your business in protecting critical information. It requires examining each aspect of security that seeks to protect your critical information and then comparing those indicators with the threats identified in the previous step. Common vulnerabilities for small businesses include the following:

- Poorly secured mobile devices that have access to critical information.
- Lack of policy on what information and networked equipment can be taken home from work or taken abroad on travel.
- Storage of critical information on personal email accounts or other non-company networks.
- Lack of policy on what business information can be posted to or accessed by social network sites.

4. Assess risk

This action has two components. First, OPSEC managers must analyze the vulnerabilities identified in the previous action and identify possible OPSEC measures to mitigate each one. Second, specific OPSEC measures must be selected for execution based upon a risk assessment done by your company's senior leadership. Risk assessment requires comparing the estimated cost associated with implementing each possible OPSEC measure to the potential harmful effects on business operations resulting from the exploitation of a particular vulnerability.

OPSEC measures may entail some cost in time, resources, personnel or interference with normal operations. If the cost to achieve OPSEC protection exceeds the cost of the harm that an intruder could inflict, then the application of the measure is inappropriate. Because the decision not to implement a particular OPSEC measure entails risks, this step requires your company's leadership approval.

5. Apply appropriate OPSEC measures

In this action, your company's leadership reviews and implements the OPSEC measures selected in the assessment of risk action. Before OPSEC measures can be selected, security objectives and critical information must be known, indicators identified and vulnerabilities assessed.

Helpful links

These resources provide additional information on the origins, purpose and implementation of operational security.

- National Security Agency/Central Security Service, *PURPLE DRAGON: The Origin and Development of the United States OPSEC Program* (1993):
http://www.nsa.gov/public_info/files/cryptologic_quarterly/purple_dragon.pdf
- Joint Publication 3-13.3, *Operations Security* (29 June 2006): Available through Joint Doctrine Education and Training Electronic Information System (JDEIS).
https://jfsc.ndu.edu/schools_programs/jc2ios/io/student_readings/1C2_JP_3-13-3_OPSEC_Process.pdf
- National OPSEC Program: <https://www.iad.gov/ioss/>
- OPSEC Professionals Society: <http://opsecsociety.org/>
- Operations Security Professional's Association: <http://www.opsecprofessionals.org/>
- Department of Homeland Security Critical Infrastructure Protection: <http://www.dhs.gov/criticalinfrastructure>

Payment Cards

If your business accepts payment by credit or debit cards, it is important to have security steps in place to ensure your customer information is safe. You also may have security obligations pursuant to agreements with your bank or payment services processor. These entities can help you prevent fraud. In addition, free resources and general security tips are available to learn how to keep sensitive information – beyond payment information – safe.

Cyber Plan Action Items:

1. Understand and catalog customer and card data you keep

- Make a list of the type of customer and card information you collect and keep – names, addresses, identification information, payment card numbers, magnetic stripe data, bank account details and Social Security numbers. It's not only card numbers criminals want; they're looking for all types of personal information, especially if it helps them commit identity fraud.
- Understand where you keep such information and how it is protected.
- Determine who has access to this data and if they need to have access.

2. Evaluate whether you need to keep all the data you store

- Once you know what information you collect and store, evaluate whether you really need to keep it. Often businesses may not realize they're logging or otherwise keeping unnecessary data until they conduct an audit. Not keeping sensitive data in storage makes it harder for criminals to steal it.
- If you've been using card numbers for purposes other than payment transactions, such as a customer loyalty program, ask your merchant processor if you can use alternative data instead. Tokenization, for example, is technology that masks card numbers and replaces it with an alternate number that can't be used for fraud.

3. Use secure tools and services

- The payments industry maintains lists of hardware, software and service providers who have been validated against industry security requirements.
- Small businesses that use integrated payment systems, in which the card terminal is connected to a larger computer system, can check the list of validated payment applications to make sure any software they employ has been tested.
- Have a conversation about security with your provider if the products or services you are currently using are not on the lists.

4. Control access to payment systems

- Whether you use a more complicated payment system or a simple standalone terminal, make sure you carefully control access.
- Isolate payment systems from other, less secure programs, especially those connected to the Internet. For example, don't use the same computer to process payments and surf the Internet.
- Control or limit access to payment systems to only employees who need access.
- Make sure you use a secure system for remote access or eliminate remote access if you don't need it so that criminals cannot infiltrate your system from the Internet.

5. Use security tools and resources

Work with your bank or processor and ask about the anti-fraud measures, tools and services you can use to ensure criminals cannot use stolen card information at your business.

- For e-commerce retailers:
 - The CVV2 code is the three-digit number on the signature panel that can help verify that the customer has physical possession of the card and not just the account number.
 - Retailers can also use Address Verification Service to ensure the cardholder has provided the correct billing address associated with the account.
 - Services such as Verified by Visa prompt the cardholder to enter a personal password confirming their identity and providing an extra layer of protection.
- For brick and mortar retailers:
 - Swipe the card and get an electronic authorization for the transaction.
 - Check that the signature matches the card.
 - Ensure your payment terminal is secure and safe from tampering.

6. Remember the security basics

- Use strong, unique passwords and change them frequently.
- Use up-to-date firewall and anti-virus technologies.
- Do not click on suspicious links you may receive by email or encounter online.

Helpful links

You don't have to tackle security on your own. Work with your bank or processor to make sure you're getting the support and expertise you need.

- Visa offers a data security guide for small business as part of its Cardholder Information Security Program: <http://usa.visa.com/download/merchants/uscc-cyber-security-guide-2012.pdf>
- Information about industry security standards is available from the PCI Security Standards Council: <https://www.pcisecuritystandards.org>
- The Paysimple.com blog offers a helpful post on credit card security: <http://paysimple.com/blog/2011/09/01/5-tips-for-proper-handling-of-customer-credit-card-account-information/>
- American Express provides data security advice for merchants: https://www260.americanexpress.com/merchant/singlevoice/dsw/FrontServlet?request_type=dsw&pg_nm=merchinfo&ln=en&frm=US
- MasterCard offers resources for on safeguarding customer information. : <http://www.mastercard.com/us/business/en/smallbiz/resources/industry/e-commerce/articles/0802CustomerData.html>

Incident Response

Even well-implemented cyber security structures and plans may not prevent all breaches of your business' data defenses, so be sure to have procedures in place to respond to security breaches when they occur.

Types of breaches

Physical breaches include real-world crimes such as burglaries and equipment theft, as well as any event when your company's equipment is misplaced or lost in transit. Unauthorized devices may be installed on a system or network, permitting further compromises of data confidentiality and integrity. Physical breaches can also result from reselling, donating or recycling old equipment that has not been properly cleansed of potentially sensitive information.

Network and system security breaches include events when computers become infected with malicious code, are accessed by unauthorized individuals remotely or are used by authorized individuals to perform malicious activity. This can also include breaches to network routers and firewalls, both within and outside your organization's boundary and control.

Data breaches, meaning the leakage or spillage of sensitive information into insecure channels, can result from any of the types of events described above. Data breaches can also occur if sensitive information is left improperly exposed by mistake.

Cyber Plan Action Items, if Breach Occurs:

1. Notify law enforcement if necessary

Depending on the type of breach and type of business, your company may be required to notify local law enforcement or other government authorities upon discovery of a data breach. In the event of exposure of customer information, you should notify the customer(s) of the incident, record the data that was lost or exposed and record the measures taken to ensure against future exposure.

2. Work cohesively across technical and leadership teams to limit the damage

Once your company becomes aware that a breach has occurred, technical personnel and business decision makers should work together to decide on the most practical and effective containment plan. Containment plans will vary from one set of circumstances to the next, and they may quickly become intensive in terms of time and resources from both the technological and business impact perspectives. In any case, the containment of data breaches should be focused on determining the extent of the compromise and preserving the confidentiality and integrity of sensitive data that has not yet been stolen or disclosed.

Other issues affecting the selection and execution of a containment plan include your company's reputation-risk management strategy and the decision on whether to request outside assistance – either from local or federal law enforcement, a private consulting firm or a computer incident response organization such as US-CERT.

3. Begin recovery effort

After a containment plan has been established and execution has begun, get started on eradication and recovery efforts. In the case of network and system security breaches, eradication usually means removing all instances of unauthorized software from the network and disabling all access privileges associated with users who have committed malicious activity.

Cleaning a network or system of all traces of malicious code can often entail having to completely wipe all storage media and perform a “clean install.” Therefore, recovery from such a breach may be resource intensive and require careful restoration of data from backups. Bear in mind that backups may also contain malicious code and should be carefully checked for compromise; otherwise, the security breach will be perpetuated after the recovery phase.

Key Disaster Recovery Principles

- *Don't wait until it's too late* – Small businesses should not wait until after a disaster to think about what should have been done to protect their data. Not only is downtime costly from a financial perspective, but it could mean the complete demise of the business. Small businesses should map out disaster preparedness plans ahead of time, including the identification of key systems, data and other resources that are critical to running the business.
- *Protect information completely* – To reduce the risk of losing critical business information, small businesses must implement the appropriate security and backup solutions to archive important files, such as customer records and financial information for the long term. Natural disasters, theft and cyber attacks can all result in data and financial loss, so small businesses need to make sure important files are saved not only on an external hard drive and/or company network, but in a safe, off-site location.
- *Get employees involved* – Employees play a key role in helping to prevent downtime. They should be educated on computer security best practices and what to do if information is accidentally deleted or cannot easily be found in their files. Since small businesses often have limited resources, all employees should know how to retrieve the businesses' information in times of disaster.
- *Test frequently* – After a disaster hits is the worst time to learn that critical files were not backed up as planned. Regular disaster recovery testing is invaluable. Test your plan anytime anything changes in your environment.
- *Review your plan* – If frequent testing is not feasible due to resources and bandwidth, small businesses should at least review disaster preparedness plan on a quarterly basis.
- *Be prepared* – It is always better and less costly to invest in adequate security up-front rather than going through a costly incident response which could result in rebuilding your entire network infrastructure.

4. Hold a 'lessons learned' meeting

Lastly, your company should always perform a “lessons learned” meeting after the recovery phase has been successfully completed to discover, document and refine the knowledge gained during the incident handling process.

Policy Development and Management

All companies should develop and maintain clear and robust policies for safeguarding critical business data and sensitive information, protecting their reputation and discouraging inappropriate behavior by employees.

Many of these types of policies already exist for “real world” situations, but may need to be tailored to your organization and updated to reflect the increasing impact of cyberspace on everyday transactions, both professional and personal. As with any other business document, cyber security policies should follow good design and governance practices -- not so long that they become unusable, not so vague that they become meaningless, and reviewed on a regular basis to ensure that they stay pertinent as your business needs change.

Please note that this document does not address all policy requirements for businesses that fall under legislative acts or directives, such as the Health Insurance Portability and Accountability Act, Sarbanes-Oxley Act or other federal, state or local statutes.

Cyber Plan Action Items:

1. Establish security roles and responsibilities

One of the most effective and least expensive means of preventing serious cyber security incidents is to establish a policy that clearly defines the separation of roles and responsibilities with regard to systems and the information they contain. Many systems are designed to provide for strong Role-Based Access Control (RBAC), but this tool is of little use without well-defined procedures and policies to govern the assignment of roles and their associated constraints. Such policies need to clearly state, at a minimum:

- Clearly identify company data ownership and employee roles for security oversight and their inherit privileges, including:
 - Necessary roles, and the privileges and constraints accorded to those roles.
 - The types of employees who should be allowed to assume the various roles.
 - How long an employee may hold a role before access rights must be reviewed.
 - If employees may hold multiple roles, the circumstances defining when to adopt one role over another.

Depending on the types of data regularly handled by your business, it may also make sense to create separate policies governing who is responsible for certain types of data. For example, a business that handles large volumes of personally identifiable information (PII) from its customers may benefit from identifying a chief steward for customers' privacy information. The steward could serve not only as a subject matter expert on all matters of privacy, but also to serve as the champion for process and technical improvements to PII handling.

2. Establish an employee Internet usage policy

The limits on employee Internet usage in the workplace vary widely from business to business. Your guidelines should allow employees the maximum degree of freedom they require to be productive (short breaks to surf the web or perform personal tasks online have been shown to increase productivity). At the same time, rules of behavior are necessary to ensure that all employees are aware of boundaries, both to keep them safe and to keep your company successful. Some to consider:

- Personal breaks to surf the web should be limited to a reasonable amount of time and to certain types of activities.
- If you use a web filtering system, employees should have clear knowledge of how and why their web activities will be monitored, and what types of sites are deemed unacceptable by your policy.
- Workplace rules of behavior should be clear, concise and easy to follow. Employees should feel comfortable performing both personal and professional tasks online without making judgment calls as to what may or may

not be deemed appropriate. Businesses may want to include a splash warning upon network sign-on that advises the employees of the businesses' Internet usage policies so that all employees are on notice.

3. Establish a social media policy

Social networking applications present a number of risks that are difficult to address using technical or procedural solutions. A strong social media policy is crucial for any business that seeks to use social networking to promote its activities and communicate with its customers. At a minimum, a social media policy should clearly include the following:

- Specific guidance on when to disclose company activities using social media, and what kinds of details can be discussed in a public forum.
- Additional rules of behavior for employees using personal social networking accounts to make clear what kinds of discussion topics or posts could cause risk for the company.
- Guidance on the acceptability of using a company email address to register for, or get notices from, social media sites.
- Guidance on selecting long and strong passwords for social networking accounts, since very few social media sites enforce strong authentication policies for users.

Lastly, all users of social media need to be aware of the risks associated with social networking tools and the types of data that can be automatically disclosed online when using social media. Taking the time to educate your employees on the potential pitfalls of social media use, especially in tandem with geo-location services, may be the most beneficial social networking security practice of all.

4. Identify potential reputation risks

All organizations should take the time to identify potential risks to their reputation and develop a strategy to mitigate those risks via policies or other measures as available. Specific types of reputation risks include:

- Being impersonated online by a criminal organization (e.g., an illegitimate website spoofing your business name and copying your site design, then attempting to defraud potential customers via phishing scams or other method).
- Having sensitive company or customer information leaked to the public via the web.
- Having sensitive or inappropriate employee actions made public via the web or social media sites.

All businesses should set a policy for managing these types of risks and plans to address such incidents if and when they occur. Such a policy should cover a regular process for identifying potential risks to the company's reputation in cyberspace, practical measures to prevent those risks from materializing and reference plans to respond and recover from potential incidents as soon as they occur.

Helpful links

- US-CERT's Protect Your Workplace Posters & Brochure:
http://www.us-cert.gov/reading_room/distributable.html
- Socializing Securely: Using Social Networking Services:
http://www.us-cert.gov/reading_room/safe_social_networking.pdf
- Governing for Enterprise Security:
<http://www.cert.org/governance/>
- FFIEC Handbook Definition of Reputation Risk:
<http://ithandbook.ffiec.gov/it-booklets/retail-payment-systems/retail-payment-systems-risk-management/reputation-risk.aspx>

- What Businesses can do to help with cyber security;
<http://staysafeonline.org/business-safe-online>

Cyber Security Glossary

Adware

Any software application that displays advertising banners while the program is running. Adware often includes code that tracks a user's personal information and passes it on to third parties without the user's authorization or knowledge. And if you gather enough of it, adware slows down your computer significantly. Over time, performance can be so degraded that you may have trouble working productively. See also **Spyware** and **Malware**.

Anti-Virus Software

Software designed to detect and potentially eliminate viruses before they have had a chance to wreak havoc within the system. Anti-virus software can also repair or quarantine files that have already been infected by virus activity. See also **Virus** and **Electronic Infections**.

Application

Software that performs automated functions for a user, such as word processing, spreadsheets, graphics, presentations and databases—as opposed to operating system (OS) software.

Attachment

A file that has been added to an email—often an image or document. It could be something useful to you or something harmful to your computer. See also **Virus**.

Authentication

Confirming the correctness of the claimed identity of an individual user, machine, software component or any other entity.

Authorization

The approval, permission or empowerment for someone or something to do something.

Backdoor

Hidden software or hardware mechanism used to circumvent security controls.

Backup

File copies that are saved as protection against loss, damage or unavailability of the primary data. Saving methods include high-capacity tape, separate disk sub-systems or on the Internet. Off-site backup storage is ideal, sufficiently far away to reduce the risk of environmental damage such as flood, which might destroy both the primary and the backup if kept nearby.

Badware

See **Malware**, **Adware** and **Spyware**.

Bandwidth

The capacity of a communication channel to pass data such as text, images, video or sound through the channel in a given amount of time. Usually expressed in bits per second.

Blacklisting Software

A form of filtering that blocks only websites specified as harmful. Parents and employers sometimes use such software to prevent children and employees from visiting certain websites. You can add and remove sites from the “not permitted” list. This method of filtering allows for more full use of the Internet, but is less efficient at preventing access to any harmful material that is not on the list. See also **Whitelisting Software**.

Blended Threat

A computer network attack that seeks to maximize the severity of damage and speed of contagion by combining methods—for example, using characteristics of both viruses and worms. See also **Electronic Infection**.

Blog

Short for “Web log,” a blog is usually defined as an online diary or journal. It is usually updated frequently and offered in a dated log format with the most recent entry at the top of the page. It often contains links to other websites along with commentary about those sites or specific subjects, such as politics, news, pop culture or computers.

Broadband

General term used to refer to high-speed network connections such as cable modem and Digital Subscriber Line (DSL). These types of “always on” Internet connections are actually more susceptible to some security threats than computers that access the Web via dial-up service.

Browser

A client software program that can retrieve and display information from servers on the World Wide Web. Often known as a “Web browser” or “Internet browser,” Examples include Microsoft’s Internet Explorer, Google’s Chrome, Apple’s Safari, and Mozilla’s Firefox.

Brute Force Attack

An exhaustive password-cracking procedure that tries all possibilities, one by one. See also **Dictionary Attack** and **Hybrid Attack**.

Clear Desk Policy

A policy that directs all personnel to clear their desks at the end of each working day, and file everything appropriately. Desks should be cleared of all documents and papers, including the contents of the “in” and “out” trays—not simply for cleanliness, but also to ensure that sensitive papers and documents are not exposed to unauthorized persons outside of working hours.

Clear Screen Policy

A policy that directs all computer users to ensure that the contents of the screen are protected from prying eyes and opportunistic breaches of confidentiality. Typically, the easiest means of compliance is to use a screen saver that engages either on request or after a specified short period of time. See also **Shoulder Surfing**.

Cookie

A small file that is downloaded by some websites to store a packet of information on your browser. Companies and organizations use cookies to remember your login or registration identification, site preferences, pages viewed and online “shopping-cart” so that the next time you visit a site, your stored information can automatically be pulled up for you. A cookie is obviously convenient but also presents potential security issues. You can configure your browser to alert you whenever a cookie is being sent. You can refuse to accept all cookies or erase all cookies saved on your browser.

Credit Card

A card indicating the holder has been granted a line of credit. Often sought after by criminals looking for an easy way to purchase things without having to pay for them. For this reason and others, a credit card preferable to a debit card for online shopping since it provides a buffer between buyer and seller, affording more protections to the buyer in case there is a problem with the order or the card number is compromised. See also **Debit Card**.

Cyberbullying

Sending or posting harmful, cruel, rude or threatening messages, or slanderous information, text or images using the Internet or other digital communication devices.

Debit Card

A card linked directly to the holder’s bank account, withdrawing money from the account. Not as safe as credit cards for online shopping since if problems arise, the buyer’s money has already been spent and is harder to get back. See also **Credit Card**.

Denial of Service Attack

The prevention of authorized access to a system resource or the delaying of system operations and functions. Often this involves a cyber criminal generating a large volume of data requests. See also **Flooding**.

Dictionary Attack

A password-cracking attack that tries all of the phrases or words in a dictionary. See also **Brute Force Attack** and **Hybrid Attack**.

Digital Certificate

The electronic equivalent of an ID card that establishes your credentials when doing business or other transactions on the Web. It contains your name, a serial number, expiration dates, a copy of the certificate holder's public key (used for encrypting messages and digital signatures) and the digital signature of the certificate-issuing authority so that a recipient can verify that the certificate is real.

Domain Hijacking

An attack in which an attacker takes over a domain by first blocking access to the domain's DNS server and then putting his own server up in its place.

Domain Name System (DNS)

The DNS is the way that Internet domain names are located. A website's domain name is easier to remember than its IP (Internet Protocol) address.

Dumpster Diving

Recovering files, letters, memos, photographs, IDs, passwords, checks, account statements, credit card offers and more from garbage cans and recycling bins. This information can then be used to commit identity theft.

Electronic Infections

Often called "viruses," these malicious programs and codes harm your computer and compromise your privacy. In addition to the traditional viruses, other common types include worms and Trojan horses. They sometimes work in tandem to do maximum damage. See also Blended Threat.

Encryption

A data security technique used to protect information from unauthorized inspection or alteration. Information is encoded so that it appears as a meaningless string of letters and symbols during delivery or transmission. Upon receipt, the information is decoded using an encryption key.

End User License Agreement (EULA)

A contract between you and your software's vendor or developer. Many times, the EULA is presented as a dialog box that appears the first time you open the software and forces you to check "I accept" before you can proceed. Before accepting, though, read through it and make sure you understand and are comfortable with the terms of the agreement. If the software's EULA is hard to understand or you can't find it, beware!

Evil Twins

A fake wireless Internet hot spot that looks like a legitimate service. When victims connect to the wireless network, a hacker can launch a spying attack on their transactions on the Internet, or just ask for credit card information in the standard pay-for-access deal. See also **Man-in-the-Middle Attacks**.

File-Sharing Programs

Sometimes called peer-to-peer (P2P) programs, these allow many different users to access the same file at the same time. These programs are often used to illegally upload and download music and other software. Examples include Napster, Grokster, Kazaa, iMesh, Ares and Limewire.

Firewall

A hardware or software link in a network that inspects all data packets coming and going from a computer, permitting only those that are authorized to reach the other side.

Flooding

An attack that attempts to cause a failure in the security of a computer by providing more input, such as a large volume of data requests, than it can properly process. See also **Denial of Service Attack**.

Grooming

Using the Internet to manipulate and gain trust of a minor as a first step towards the future sexual abuse, production or exposure of that minor. Sometimes involves developing the child's sexual awareness and may take days, weeks, months or in some cases years to manipulate the minor.

Hacker

An individual who attempts to break into a computer without authorization.

HTTPS

When used in the first part of a URL (e.g., http://), this term specifies the use of hypertext transfer protocol (HTTP) enhanced by a security mechanism such as Secure Socket Layer (SSL). Always look for the HTTPS on the checkout or order form page when shopping online or when logging into a site and providing your username and password.

Hybrid Attack

Builds on other password-cracking attacks by adding numerals and symbols to dictionary words. See also **Dictionary Attack** and **Brute Force Attack**.

Instant Messaging (IM)

A service that allows people to send and get messages almost instantly. To send messages using instant messaging you need to download an instant messaging program and know the instant messaging address of another person who uses the same IM program. See also **Spim**.

IP (Internet Protocol) Address

A computer's inter-network address, written as a series of four 8-bit numbers separated by periods, such as 123.45.678.990. Every website has an IP Address, although finding a website is considerably easier to do when using its domain name instead. See also **Domain Name System (DNS)**.

Internet Service Provider (ISP)

A company that provides internet access to customers.

Keystroke Logger

A specific type of electronic infection that records victims' keystrokes and sends them to an attacker. This can be done with either hardware or software. See also **Trojan Horse**.

Malware

A generic term for a number of different types of malicious code. See also **Adware** and **Spyware**.

Man-In-the-Middle Attack

Posing as an online bank or merchant, a cyber criminal allows a victim to sign in over a Secure Sockets Layer (SSL) connection. The attacker then logs onto the real server using the client's information and steals credit card numbers.

Monitoring Software

Software products that allow parents to monitor or track the websites or email messages that a child visits or reads. See also **Blacklisting Software** and **Whitelisting Software**.

Network

Two or more computer systems that are grouped together to share information, software and hardware.

Operating System (OS)

Programs that manage all the basic functions and programs on a computer, such as allocating system resources, providing access and security controls, maintaining file systems and managing communications between end users and hardware devices. Examples include Microsoft's Windows, Apple's Macintosh and Red Hat's Linux.

Password

A secret sequence of characters that is used as a means of authentication to confirm your identity in a computer program or online.

Password Cracking

Password cracking is the process of attempting to guess passwords, given the password file information. See also **Brute Force Attacks**, **Dictionary Attacks** and **Hybrid Attacks**.

Password Sniffing

Passive wiretapping, usually on a local area network, to gain knowledge of passwords.

Patch

A patch is a small security update released by a software manufacturer to fix bugs in existing programs. Your computer's software programs and/or operating system may be configured to check automatically for patches, or you may need to periodically visit the manufacturers' websites to see if there have been any updates.

Peer-to-Peer (P2P) Programs

See **File-Sharing Programs**.

Phishing

Soliciting private information from customers or members of a business, bank or other organization in an attempt to fool them into divulging confidential personal and financial information. People are lured into sharing user names, passwords, account information or credit card numbers, usually by an official-looking message in an email or a pop-up advertisement that urges them to act immediately, usually by clicking on a link provided. See also **Vishing**.

Pharming

Redirecting visitors from a real website to a bogus one. A user enters what is believed to be a valid Web address and is unknowingly redirected to an illegitimate site that steals the user's personal information. On the spoofed site, criminals may mimic real transactions and harvest private information unknowingly shared by users. With this, the attacker can then access the real website and conduct transactions using the credentials of a valid user.

Router

A hardware device that connects two or more networks and routes incoming data packets to the appropriate network. Many Internet Service Providers (ISPs) provide these devices to their customers, and they often contain firewall protections.

Script

A file containing active content -- for example, commands or instructions to be executed by the computer.

Shoulder Surfing

Looking over a person's shoulder to get confidential information. It is an effective way to get information in crowded places because it's relatively easy to stand next to someone and watch as they fill out a form, enter a PIN number at an ATM machine or type a password. Can also be done long-distance with the aid of binoculars or other vision-enhancing devices. To combat it, experts recommend that you shield paperwork or your keypad from view by using your body or cupping your hand. Also, be sure you password-protect your computer screen when you must leave it unattended, and clear your desk at the end of the day. See also **Clear Desk Policy** and **Clear Screen Policy**.

Skimming

A high-tech method by which thieves capture your personal or account information from your credit card, driver's license or even passport using an electronic device called a "skimmer." Such devices can be purchased online for under \$50. Your card is swiped through the skimmer and the information contained in the magnetic strip on the card is then read into and stored on the device or an attached computer. Skimming is predominantly a tactic used to perpetuate credit card fraud, but is also gaining in popularity amongst identity thieves.

Social Engineering

A euphemism for non-technical or low-technology means—such as lies, impersonation, tricks, bribes, blackmail and threats—used to attack information systems. Sometimes telemarketers or unethical employees employ such tactics.

Social Networking Websites

Sites specifically focused on the building and verifying of social networks for whatever purpose. Many social networking services are also blog hosting services. There are more than 300 known social networking websites, including Facebook, MySpace, Friendster, Xanga and Blogspot. Such sites enable users to create online profiles and post pictures and share personal data such as their contact information, hobbies, activities and interests. The sites facilitate connecting with other users with similar interests, activities and locations. Sites vary in who may view a user's profile—some have settings which may be changed so that profiles can be viewed only by "friends." See also **Blogs**.

Spam

Unwanted, unsolicited email from someone you don't know. Often sent in an attempt to sell you something or get you to reveal personal information.

Spim

Unwanted, unsolicited instant messages from someone you don't know. Often sent in an attempt to sell you something or get you to reveal personal information.

Spoofing

Masquerading so that a trusted IP address is used instead of the true IP address. A technique used by hackers as a means of gaining access to a computer system.

Spyware

Software that uses your Internet connection to send personally identifiable information about you to a collecting device on the Internet. It is often packaged with software that you download voluntarily, so that even if you remove the downloaded program later, the spyware may remain. See also **Adware** and **Malware**.

SSL (Secure Socket Layer)

An encryption system that protects the privacy of data exchanged by a website and the individual user. Used by websites whose URLs begin with https instead of http.

Trojan Horse

A computer program that appears to be beneficial or innocuous, but also has a hidden and potentially malicious function that evades security mechanisms. A “keystroke logger,” which records victims’ keystrokes and sends them to an attacker, or remote-controlled “zombie computers” are examples of the damage that can be done by Trojan horses. See also **Electronic Infection**.

URL

Abbreviation for “Uniform (or Universal) Resource Locator.” A way of specifying the location of publicly available information on the Internet. Also known as a Web address.

URL Obfuscation

Taking advantage of human error, some scammers use phishing emails to guide recipients to fraudulent sites with names very similar to established sites. They use a slight misspelling or other subtle difference in the URL, such as “monneybank.com” instead of “moneybank.com” to redirect users to share their personal information unknowingly.

Virus

A hidden, self-replicating section of computer software, usually malicious logic, that propagates by infecting—i.e., inserting a copy of itself into and becoming part of -- another program. A virus cannot run by itself; it requires that its host program be run to make the virus active. Often sent through email attachments. Also see **Electronic Infection** and **Blended Threat**.

Vishing

Soliciting private information from customers or members of a business, bank or other organization in an attempt to fool them into divulging confidential personal and financial information. People are lured into sharing user names, passwords, account information or credit card numbers, usually by an official-looking message in an email or a pop-up advertisement that urges them to act immediately—but in a vishing scam, they are urged to call the phone number provided rather than clicking on a link. See also **Phishing**.

Vulnerability

A flaw that allows someone to operate a computer system with authorization levels in excess of that which the system owner specifically granted.

Whitelisting Software

A form of filtering that only allows connections to a pre-approved list of sites that are considered useful and appropriate for children. Parents sometimes use such software to prevent children from visiting all but certain websites. You can add and remove sites from the “permitted” list. This method is extremely safe, but allows for only extremely limited use of the Internet.

Worm

Originally an acronym for “Write once, read many times,” a type of electronic infection that can run independently, can propagate a complete working version of itself onto other hosts on a network, and may consume computer resources destructively. Once this malicious software is on a computer, it scans the network for another machine with a specific security vulnerability. When it finds one, it exploits the weakness to copy itself to the new machine, and then the worm starts replicating from there, as well. See also **Electronic Infection** and **Blended Threat**.

Zombie Computer

A remote-access Trojan horse installs hidden code that allows your computer to be controlled remotely. Digital thieves then use robot networks of thousands of zombie computers to carry out attacks on other people and cover up their tracks. Authorities have a harder time tracing criminals when they go through zombie computers.

Sources:

National Institute of Standards and Technology:

<http://csrc.nist.gov/publications/nistir/ir7298-rev1/nistir-7298-revision1.pdf>

Whoiswatchingcharlottesville.org:

<http://www.whoswatchingcharlottesville.org/glossary.html>

Cyber Security Links

Cyber Security and Privacy Protection

- Carnegie Mellon Software Engineering Institute's CERT Coordination Center:
www.cert.org/other_sources
- Center for Internet Security (CIS):
www.cisecurity.org
- Free online security check ups:
<http://www.staysafeonline.org/tools-resources/free-security-check-ups>
- National Cyber Security Alliance for Small Business Home Users:
<http://www.staysafeonline.info/>
- OnGuard Online:
www.OnGuardOnline.gov
- SANS (SysAdmin, Audit, Network, Security) Institute's Most Critical Internet Security Vulnerabilities:
www.sans.org/top20
- Security Tips from Securing our eCity:
<http://securingoureconomy.org/>
- Small Business Solutions from StopBadware:
<http://stopbadware.org/>
- The Open Web Application Security Project:
www.owasp.org

Cyber Security Threat Centers

- McAfee Cybersafety Resource Portal
<http://www.mcafee.com/cru>
- McAfee Security Solutions for Small Business:
<http://shop.mcafee.com/Default.aspx?site=us&pid=HOME&CID=MFE-MHP001>
- Symantec Security Solutions for Small Business:
<http://store.symantec.com/?om sem cid=hho sem nam us Google SMB Store Home&inid=hho sem s y:us:ggl:en:e%7Ckw0000006084%7CSMB>

Training and Exercises

- Free training materials, security configuration guides from Internet Security Alliance:
<http://www.isalliance.org/>
- NIH Free Online User Training:
<http://iase.disa.mil/eta/issv4/index.htm>
- NIH Free Online User Training (non DOD version):
<http://irtsectraining.nih.gov/publicUser.aspx>

Government Resources

- Department of Homeland Security (DHS)'s National Strategy to Secure Cyberspace:
www.dhs.gov/xlibrary/assets/National_Cyberspace_Strategy.pdf
- DHS testimony before the House on Committee on Homeland Security Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies:
http://www.dhs.gov/ynews/testimony/testimony_1300283858976.shtm
- FCC Cyber Security Encyclopedia Page
<http://www.fcc.gov/cyberforsmallbiz>
- FCC Public Safety and Homeland Security Bureau Clearinghouse:
<http://publicsafety.fcc.gov/pshs/clearinghouse/index.htm>
- FCC Public Safety and Homeland Security Bureau Guidelines for Emergency Planning: <http://transition.fcc.gov/pshs/emergency-information/guidelines/>
- FCC Ten Cybersecurity Tips for Small Businesses
http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-306595A1.pdf
- Federal Trade Commission Guide for Business
<http://www.ftc.gov/bcp/edu/microsites/infosecurity/>
- Federal Trade Commission – Identity Theft Information:
<http://www.onguardonline.gov/topics/computer-security.aspx>
- Federal Trade Commission's Interactive Tutorial:
www.ftc.gov/infosecurity
- National Institute of Standards and Technology (NIST)'s Computer Security Resource Center:
www.csrc.nist.gov
- NIST briefing on Cybersecurity for Small Businesses:
http://csrc.nist.gov/groups/SMA/sbc/documents/sbc_workshop_presentation_2015_ver1.pdf

Government Resources (cont'd)

- NIST Guide to Selecting Information Technology Security Products:
<http://csrc.nist.gov/publications/nistpubs/800-36/NIST-SP800-36.pdf>
- NIST's Risk Management Guide for Information Technology Systems:
www.csrc.nist.gov/publications/nistpubs/800-30/sp800-30.pdf
- NIST Small Business Corner - A link to the NIST-SBA-FBI Small Business Information Security outreach pages :
<http://csrc.nist.gov/groups/SMA/sbc/index.html>
- NIST Small Business Information Security:
<http://nvlpubs.nist.gov/nistpubs/ir/2016/NIST.IR.7621r1.pdf>
- SBA, NIST and FBI partnership on Cybersecurity for small businesses:
<http://csrc.nist.gov/groups/SMA/sbc/overview.html>
- United States Computer Emergency Readiness Team (US-CERT):
www.us-cert.gov
- U.S. Department of Homeland Security Cyber Security Resources:
<http://www.dhs.gov/cyber>

Publications

- 2011 Awards for best computer security tools, SC Magazine:
<http://www.scmagazineus.com/2011-sc-awards-us-finalists/section/1908/>
- Cloud Security Alliance
<https://cloudsecurityalliance.org/csaguide.pdf>
- Computer Security Resource Center, National Institute of Standards and Technology:
<http://csrc.nist.gov/groups/SMA/sbc/library.html>
- Microsoft Small Business Guide:
<http://www.microsoft.com/smallbusiness/support/security-toolkit-pdf.mspix>
- Protecting Your Small Business, Entrepreneur Magazine:
<http://www.entrepreneur.com/magazine/entrepreneur/2010/june/206656.html>
- Small business Information Security: The Fundamentals, National Institute of Standards and Technology:
<http://csrc.nist.gov/publications/nistir/ir7621/nistir-7621.pdf>