

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Evans, Camille Marie</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>2020 Charter Renew Commission</i>	
MAILING ADDRESS <i>P.O. Box 144</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input type="checkbox"/> CITY <input checked="" type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY	
CITY <i>Gotha</i>	COUNTY <i>Orange</i>	NAME OF POLITICAL SUBDIVISION <i>Orange County</i>	
DATE ON WHICH VOTE OCCURRED <i>11/6/2019</i>		MY POSITION IS: <input type="checkbox"/> ELECTIVE <input checked="" type="checkbox"/> APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Camille M. Evans, hereby disclose that on November 6, 20 19:

(a) A measure came or will come before my agency which (check one or more)

- ☒ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

See Attached

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

11/6/2019
Date Filed


Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

- I currently lead our firm's service as counsel to a client (the "Client") in connection with the issuance of Osceola County's Transportation Improvement Revenue Bonds, Series 2019A and 2019B (the "Bonds"). The Bonds are expected to provide funds to refinance certain outstanding debt relating to Osceola Parkway and fund certain other transportation improvements within the County. The Bond issuance includes the creation and reliance upon a Traffic and Earnings Report ("T&R Report") prepared by the County's Traffic Consultant that includes a revenue forecast that extends over the life of the Bonds. To date, the assumptions and methodology within the draft T&R Report do not yet include consideration of a possible extension of Osceola Parkway by the Central Florida Expressway Authority ("CFX"), a separate independent governmental entity. CFX has announced it is studying the possibility of constructing an extension of Osceola Parkway and is considering the options for the alignment of any such extension. While the alignment for the path of the Osceola Parkway Extension is yet to be determined, there is a possibility that the Extension could run through a portion of a conservation mitigation area, called Split Oak Forest Wildlife and Environmental Area ("Split Oak Forest"). At this point, the expectation is that the success of the Bond issue would not be materially impacted by the success or location of a planned extension of Osceola Parkway or the lack thereof.
- Simultaneously, as a private citizen, I serve as Chair of the Orange County 2020 Charter Review Commission (the "CRC"), an independent body of appointed citizens, assigned the tasks of evaluating potential charter amendments, and if deemed appropriate, proposing a potential charter amendment for approval by County voters. The agenda for the upcoming CRC meeting includes consideration of a proposal that seeks to prevent Orange County from ever allowing development within the boundaries of Split Oak Forest. The proposer's underlying motivation of the Split Oak initiative is to ensure that the Osceola Parkway Extension (or any other form of development) never disturbs the conservation mitigation area. The outcome of the impending CRC vote regarding Split Oak Forest would not be dispositive of the issue (unless it was not approved to be advanced as an evaluation topic), and may be a moot point as other governmental entities and contractual obligations have certain rights and obligations with respect to Split Oak Forest.
- Given the overlapping subject matter, I initially had an internal firm discussion, and spoke with General Counsel to the CRC to determine the proper path for analyzing whether there was an actual or possible voting conflict that would or should prevent me from voting on the Split Oak Forest matter. Accordingly, I then had a call with Chris Anderson, Executive Director at the Florida Commission on Ethics (the "FCE"), and a call with the Florida Bar Ethics Hotline.
- Upon review of the matter, the FCE provided oral advice that the facts and circumstances did not indicate that my vote on the Split Oak matter would create any gain or loss for me, my client, or my firm. Rather, at the time of the vote any possibly resulting gain or loss would at best be remote and speculative, and therefore not present a voting conflict. While providing guidance, the Executive Director cited FCE Advisory Opinion 12-01, which provides guidance on how the voting conflict statutory prohibition is not applicable when the potential gain or loss is "remote and speculative." See FCE Advisory Opinion 12-01: <http://www.ethics.state.fl.us/Documents/Opinions/12/CEO%2012-001.htm>. However, the FCE did agree that Section 286.012, Florida Statutes, does afford me to the right to abstain from voting based on my decision that there could appear to be a conflict of interest.
- In an abundance of caution, and to avoid even the appearance of a conflict, I have decided to abstain from the impending Split Oak Forest vote, under the permissive provisions of Section 286.012.