

**From:** Bonilla, Emily (Commissioner)

**Sent:** Saturday, January 18, 2020 8:51 AM

**To:** Brooks, Byron W; Newton, Jeffrey

**Cc:** Uribe, Mayra M (Commissioner); Gomez Cordero, Maribel (Commissioner); Moore, Christine M (Commissioner); Siplin, Victoria (Commissioner); VanderLey, Betsy (Commissioner); Demings, Jerry L (Mayor); Strassner, Melissa T; Joseph, Rose-Nancy; Dethlefs, Diana; Marsh, Katherine P; Whatley, Cortez J; District4, Mail

**Subject:** Split Oak FCT Attorney Recommendation

Byron and Jeff,

Based on the email below I request that the vote on Dec. 17 be rescinded and that this item be reheard and voted on pursuant to Rule 62-818.016, F.A.C., as recommended by FCT's attorney.

I plan to attend the CFX meeting. I think it would benefit Orange County for our legal to be present as well.

Jeff, in the meantime, FCT's attorney's is available if you have any questions. Her information is below.

To stay in compliance with sunshine law, if the other Commissioners have comments on this matter please do not respond to this email; however, I will make myself available for a sunshine meeting if requested.

Your Commissioner,

Emily Bonilla

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----- Original message -----

From: "Wood, Rebecca" <Rebecca.Wood@FloridaDEP.gov>

Date: 1/17/20 4:33 PM (GMT-05:00)

To: "Strassner, Melissa T" <Melissa.Strassner@ocfl.net>, "Ventry, Rita" <Rita.Ventry@dep.state.fl.us>

Cc: "Bonilla, Emily (Commissioner)" <Emily.Bonilla@ocfl.net>, "LaSeur, Lois" <Lois.LaSeur@dep.state.fl.us>, "Reeves, Linda" <Linda.Reeves@dep.state.fl.us>

Subject: RE: Split Oak - Request from Orange County Commissioner Emily Bonilla

Hi Melissa,

Thank you for your patience in allowing us to respond. After review of both Rules 62-818.015 and 62-818.016, F.A.C., it is our recommendation that a request for land exchange under Rule 62-818.016, F.A.C. would be the appropriate avenue for this project.

As a side note, we received a meeting request from Richard Brightman with CFX. I have advised Mr. Brightman that we will be happy to schedule a meeting to discuss this project so long as the Counties are also represented.

If I can provide any additional information or assistance, please don't hesitate to contact our office. I've also copied our program attorney, Lois La Seur on this email. She is happy to answer any additional questions your attorney may have as well and can be reached at 850-245-2256.

Kind regards,

**Rebecca Wood**

Florida Department of Environmental Protection  
Land and Recreation Grants  
Program Manager  
[Rebecca.Wood@FloridaDEP.gov](mailto:Rebecca.Wood@FloridaDEP.gov)

Office: 850.245.2314

**From:** Melissa.Strassner@ocfl.net <Melissa.Strassner@ocfl.net>  
**Sent:** Monday, January 13, 2020 1:52 PM  
**To:** Ventry, Rita <Rita.Ventry@dep.state.fl.us>  
**Cc:** Emily.Bonilla@ocfl.net; LaSeur, Lois <Lois.LaSeur@dep.state.fl.us>; Wood, Rebecca <Rebecca.Wood@FloridaDEP.gov>; Reeves, Linda <Linda.Reeves@dep.state.fl.us>  
**Subject:** RE: Split Oak - Request from Orange County Commissioner Emily Bonilla

Hello Rita,

Thank you for the update. We look forward to hearing from you after the meeting.

Warm Regards,

Melissa Strassner

Aide to Commissioner Emily Bonilla

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**From:** Ventry, Rita <[Rita.Ventry@dep.state.fl.us](mailto:Rita.Ventry@dep.state.fl.us)>

**Sent:** Monday, January 13, 2020 10:37 AM

**To:** Strassner, Melissa T <[Melissa.Strassner@ocfl.net](mailto:Melissa.Strassner@ocfl.net)>

**Cc:** Bonilla, Emily (Commissioner) <[Emily.Bonilla@ocfl.net](mailto:Emily.Bonilla@ocfl.net)>; LaSeur, Lois <[Lois.LaSeur@dep.state.fl.us](mailto:Lois.LaSeur@dep.state.fl.us)>; Wood, Rebecca <[Rebecca.Wood@FloridaDEP.gov](mailto:Rebecca.Wood@FloridaDEP.gov)>; Reeves, Linda <[Linda.Reeves@dep.state.fl.us](mailto:Linda.Reeves@dep.state.fl.us)>

**Subject:** RE: Split Oak - Request from Orange County Commissioner Emily Bonilla

Melissa – Our meeting has been rescheduled for later this week for discussion of Split Oak. I will get back with you after the meeting. Thanks for your patience.

*Rita Ventry*

**Rita Ventry, FCCM**

Planner IV, Division of State Lands

Florida Communities Trust

Florida Department of Environmental Protection

3800 Commonwealth Boulevard, MS 585

Tallahassee, Florida 32399-3000

[Rita.Ventry@FloridaDEP.gov](mailto:Rita.Ventry@FloridaDEP.gov)

Office: 850.245.2683

<https://floridadep.gov/lands/land-and-recreation-grants/content/fct-florida-communities-trust-home>

**From:** [Melissa.Strassner@ocfl.net](mailto:Melissa.Strassner@ocfl.net) <[Melissa.Strassner@ocfl.net](mailto:Melissa.Strassner@ocfl.net)>

**Sent:** Wednesday, January 8, 2020 4:01 PM

**To:** Ventry, Rita <[Rita.Ventry@dep.state.fl.us](mailto:Rita.Ventry@dep.state.fl.us)>; LaSeur, Lois <[Lois.LaSeur@dep.state.fl.us](mailto:Lois.LaSeur@dep.state.fl.us)>

**Cc:** [Emily.Bonilla@ocfl.net](mailto:Emily.Bonilla@ocfl.net); LaSeur, Lois <[Lois.LaSeur@dep.state.fl.us](mailto:Lois.LaSeur@dep.state.fl.us)>

**Subject:** Split Oak - Request from Orange County Commissioner Emily Bonilla

Hello Rita,

Thank you for taking the time to speak with me and Commissioner Bonilla today. As discussed, our office has been contacted by many constituents regarding Orange County Board of County Commissioners approval of the CFX Osceola Pkwy Extension. The approval was passed by a 71% vote.

Of concern is the fact that this matter was brought before the board as a lineal facilities decision pursuant to FAC 62-818.015; however, because a land exchange is involved an astute constituent advised us that perhaps FAC 62-818.016 governing land exchanges should have applied since a land exchange is an integral piece of the project. In addition, we need clarification as to if both codes apply that the more stringent one should be applied. This was something our constituent has brought forth as well.

We have attached both codes for ease of review. We understand that you have an internal staff meeting tomorrow in which this item can be discussed. We appreciate any information you can provide on this matter as the Commissioner would like to take further action if in fact a land exchange should have been considered by the Orange County Board of County Commissioners.

Warm Regards,

Melissa Strassner

Aide to Commissioner Emily Bonilla

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general and other such matters.)

The Board member shall move to amend that part of the motion that had been previously adopted. A second is required, and discussion may follow as to the reasons for the motion. The vote taken to pass a motion to amend shall require a majority if the item is on the official agenda, or a vote of at least five (5) members if the item is not on the official agenda.

#### **Section 4.12 Motion to Reconsider.**

If in the *same* Board meeting new information or changed situations make it appear that a different result might reflect the will of the Board, a member may move to reconsider the vote. A motion to reconsider may be applied to a vote that was either affirmative or negative and shall propose no specific change in a decision, but simply propose that the motion be reopened for discussion and re-vote. The motion to reconsider may be made by any member, regardless of how he/she voted on the matter. A second shall be required, and discussion may follow as to the reasons for the motion. A majority vote shall be required to pass a motion to reconsider.

##### ***RATIONALE:***

*Cushing states in his manual on Parliamentary Law that "a motion to reconsider may be made at any time or by any member, precisely like any other motion."*

*The law validates Cushing's statement. "To deny any member the right to propose any motion, regardless of how he/she voted is discriminatory." Sturgis, page 41.*

#### **Section 4.13 Motion to Rescind.**

*A. Generally.* If a Board member wishes to annul an action taken at a previous meeting, the motion to rescind may be used, subject to the restrictions in this rule. The motion to rescind shall require prior notice at a regular meeting of the Board member's intent to move to rescind the previous action at a later regular meeting, the date of which shall be identified in the notice. The motion to rescind shall be placed on the agenda for the later meeting, a second is required, and discussion can go into the merits of the motion to rescind. If the previous action is rescinded, the question of whether a further motion and vote is needed will depend on the circumstances.

*B. Prevailing Side.* If the Board member voted on the prevailing side of the previous action, a majority shall be required to pass the motion to rescind.

*C. Losing Side.* If the Board member voted on the losing side of the Board's previous action, the motion to rescind shall be in order only if:

1. there subsequently has become known information that (i) would have been material to the Board's previous decision and (ii) would have militated for a different result; or

2. a rescission of the action is imperative to avoid a material cost, risk, harm, or other jeopardy to the county or its citizens, and the material cost, risk, harm, or other jeopardy could not have been known at the time of the Board's previous action.

Five votes shall be required to pass the motion to rescind when the member was on the losing side in the previous Board action.

*D. Motions Out of Order.* The motion to rescind shall not be in order if:

1. The motion to reconsider can be made (*i.e.*, at the same meeting).

2. A motion to reconsider was taken and lost on the date of the previous Board action.

3. The matter is routine and only part of the action needs to be changed, in which case the motion to "amend something previously adopted" shall be used.

4. Irrevocable action has been taken as a result of the previous vote.

5. The action taken was the granting of an application for a regulatory approval, and the applicant or his or her principal has taken substantial action in justifiable reliance on the Board's vote.

6. The Board member was not present when the previous action was taken.

7. More than two Board meetings have occurred since the previous action was taken.

8. The Board membership has changed after the previous action that is the subject of the motion to rescind.

#### **Section 4.14 Incidental Motions.**

Incidental motions have no rank and may be used throughout the meeting as described in Sections 4.15 through 4.19 of these Rules.