

Orange County Government

*Orange County Administration Center
201 S Rosalind Ave.
Orlando, FL 32802-1393*



Final Meeting Minutes

Wednesday, May 8, 2024

6:00 PM

County Commission Chambers

Charter Review Commission

CRC Members:

Homer Hartage, Chair

Lee Chira, Vice Chair

Mark Arias-Rishi Bagga-Dick Batchelor-Tom Callan-

Eric R. Grimmer-Erica Jackson-Chuck O'Neal-

Angel de la Portilla-Alisia Adamson Profit- Cornita A. Riley- Eugene Stoccardo-

Beverly Winesburgh-Dotti Wynn

Call to Order

The meeting was called to order at 6:01 p.m.

Present: 14 - Member Dick Batchelor, Member Angel de la Portilla, Member Eric R. Grimmer, Member Erica Jackson, Member Homer Hartage, Member Lee Chira, Member Mark Arias, Member Rishi Bagga, Member Tom Callan, Member Dotti Wynn, Member Eugene Stoccardo, Member Cornita A. Riley, Member Chuck O'Neal, and Member Beverly Winesburgh

Absent: 1 - Member Alisia Adamson Profit

Others present:

Deputy Clerk David Rooney
Assistant Deputy Clerk Jennifer Lara-Klimetz
CRC General Counsel Wade Vose
CRC Administrative Assistant Jessica Vaupel
Minutes Supervisor Craig Stopyra

Pledge of Allegiance**I. Roll Call**

Members Present: Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Arias, Member Bagga, Member Wynn, Chair Hartage, Member Grimmer, Member O'Neal, and Member Stoccardo. A quorum was established and the meeting was called to order.

II. Chair / Vice Chair Comments

CRC Chair Hartage explained the order of tonight's proceedings. He stated there are first readings on three (3) items, two of which are recommended for no action. He added that the public hearings will undergo first and second readings and any item to be placed on the ballot will undergo two votes by the full CRC. CRC General Counsel Vose clarified that there are three (3) committee final reports, on tonight's agenda, that recommend Charter amendments.

CRC Chair Hartage mentioned in preparation of the conclusion of the 2024 CRC meetings, he will prepare a Final Report, compiled by CRC Staff, which will include a letter from CRC Chair Hartage and Vice Chair Chira. The letter will include the names of all of the committee members, their chairs, a list of initiatives passed by the committee and moved onto the ballot. The Final Report will also include all committee final reports, any oral reports made to the CRC from the podium, and a copy of the CRC Bylaws. CRC Chair Hartage requested the CRC's final report be available online for the viewing public. He mentioned the Final Report will be signed only by the CRC Chair and Vice Chair.

CRC Chair Hartage indicated that Member O'Neal requested a new item be brought before the full CRC. He acknowledged that the cutoff date to bring new items to the CRC for creation of a committee was February 2024, however, if the CRC shows an interest the item will be presented

to the full CRC. CRC Chair Hartage has avoided placing new items on the meeting agenda, but CRC members are welcome to bring forth new items during Member Comments.

CRC Chair Hartage welcomed Vice Chair Chira to the meeting.

CRC Chair Hartage addressed public comment during tonight's proceedings. He indicated general information can be made during public comment and comments regarding a specific issue can be made on the topic of the public hearing.

III. Public Comment

Ethan Temple, aide to District 5 Commissioner Emily Bonilla, read a statement on behalf of Commissioner Bonilla supporting their work, committee final reports, and their dedication in the process.

CRC Chair Hartage recognized Orange County Commissioner Nicole Wilson.

The following persons addressed the CRC during public comment:

- Orange County Commissioner Nicole Wilson
- RJ Mueller
- Kari Williams
- Gordon Spears
- Beverly Russell
- Grace Abraibesh
- Tom Narut
- Kelly Semrad
- Dylan Rogers
- Bobby Beagles
- Terri Falbo
- Cheryl Coats
- Hal Coats
- Maria Martinez
- Marj Holt
- Nelson Betancourt
- Matthew Grocholske
- Lee Perry
- Janet Brewer
- Keegan Cox
- Trini Quiroz
- Alec Stanley

The following material was presented to the CRC during public comment: Exhibit 1, from Tom Narut.

IV. Consent Item

- A. CRC-24-121** Approval and execution of the minutes of the April 15, 2024 meeting of the Charter Review Commission (CRC).

A motion was made by Member Wynn, seconded by Member Winesburgh, to approve the minutes of April 15, 2024. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 1 - Member Adamson Profit

V. Acceptance of Committee Final Reports

- A. CRC-24-113** Governmental Structure Committee - Term Limits
(Recommending No Action)

Committee Chair de la Portilla presented the Governmental Structure Committee's final report relating to the expansion of term limits. He explained that currently the Mayor and County commissioners serve two (2) four year terms. The committee discussed the topic at several committee meetings and the committee considered whether to keep the current system, add one additional term, add two additional terms, remove all the term limits, or leave the Mayor as is, but increase the County Commissioners to three to four additional term limits. The committee voted 4-3 to recommend no change to the term limits applicable to the County Commissioners and the County Mayor.

A motion was made by Member de la Portilla, seconded by Member Wynn, to accept the Final Report of the Governmental Structure Committee to leave the term limits as two (2) four year terms for the County Commissioners and County Mayor. No vote taken. As a committee member, Member Callan voted against the Committee recommendation and is in favor of amending the term limits. He recommended the issue return to the committee for further deliberation. Member Callan recommended term limits be expanded from two (2) four year terms to three (3) four year terms for County Commissioners while the term limit for County Mayor remains the same. Discussion ensued relating to the topic.

Member Batchelor called the question to end discussion, however, CRC Chair Hartage requested holding off calling the question as there were CRC members who still needed to speak.

Discussion ensued relating to the topic.

A motion was made by Member Batchelor, seconded by CRC Chair Hartage, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member

Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member de la Portilla, seconded by Member Wynn, to accept the Final Report of the Governmental Structure Committee to leave the term limits as two (2) four year terms for the County Commissioners and County Mayor. The motion carried by the following vote:

Aye: 8 - Member Batchelor, Member de la Portilla, Member Jackson, Member Hartage, Member Chira, Member Bagga, Member Wynn, and Member Winesburgh

Nay: 6 - Member Grimmer, Member Arias, Member Callan, Member Stoccardo, Member Riley, and Member O'Neal

Absent: 1 - Member Adamson Profit

B. CRC-24-114 Governmental Structure Committee - County Administrator
(Recommending No Action)

Committee Chair de la Portilla presented the final report of the Government Structure Committee relating to the office of the County Administrator. He indicated that currently the County Administrator reports directed to the County Mayor. The County Administrator is involved in the executive branch of the County and oversees all of County operations. Member Callan suggested this matter be reviewed and proposed that this issue be evaluated, raising the question of whether the County Administrator should report to the entire Board of County Commissioners rather than one solely to the County Mayor. County Administrator Byron Brooks spoke during the committee meeting of March 1, 2024, and he discussed his role as County Administrator, his relation to the County Commission, and his operation of the County. On March 15, 2024, Deputy County Administrator Danny Banks addressed the committee regarding his role overseeing Public Safety. During the committee meeting on March 15, the committee voted 6-2 recommending no changes to the role of the County Administrator and and continue having them report directly to the County Mayor.

A motion was made by Member de la Portilla, seconded by Member Wynn, to accept the Final Report of the Governmental Structure Committee to not make changes to the role of the County Administrator in the Orange County Charter. No vote taken. CRC General Counsel Vose explained the committee discussed the provisions in the County Charter relating to the County Administrator. He stated the committee is recommending to leave the provisions concerning the County Administrator as is and make no changes with any of the language concerning the County Administrator.

A motion was made by Member de la Portilla, seconded by Member Wynn, to accept the Final Report of the Governmental Structure Committee to not make changes to the role of the County Administrator in the Orange County Charter. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 1 - Member Adamson Profit

C. CRC-24-125 Sustainable Growth & Charter Clean Up Committee - Supermajority County Commission Vote To Dispose Of Or Change Use Of "County Protected Lands" (Recommending Charter Amendment)

Committee Chair Grimmer thanked Valerie Anderson, the Orange County resident who made the initial proposal to the full CRC requiring that Orange County owned conservation land and parks may only be used for the purpose for which they were originally acquired. Committee Chair Grimmer presented the Final Report of the Sustainable Growth & Charter Clean Up Committee regarding a super majority County Commission vote to dispose of or change use of "County Protected Lands." At its March 25, 2024 committee meeting, Kyle Kent and Regina Ramos, Orange County Parks and Recreation Division, discussed the Parks' acquisition process and policies considered when park space is sought to be converted to another use. Committee Chair Grimmer added that the most common way currently of obtaining park space is through developer agreements. Committee Chair Grimmer reviewed Orange County Comprehensive Plan Policy R.1.1.4, which reads: "Public park or recreation areas operated or maintained by Orange County shall not be converted to other uses, except by determination of the Board of County Commissioners that such conversion is in the public interest. Orange County shall seek appropriate compensation or replacement land if such land is taken."

At its April 24, 2024 committee meeting, Liz Johnson and Beth Jackson, Orange County Environmental Protection Division, explained the details of the County's Green PLACE (Park Land Acquisition for Conservation and Environmental Protection) Program, which is used by the County to purchase environmentally sensitive lands for the purposes of preservation. Ms. Jackson indicated that since the Board of County Commissioners allocated \$100 million in September 2021 to purchase environmentally sensitive lands, twenty-three (23) parcels of land have been acquired and over five hundred acres (500) preserved. The Green PLACE Program has an overall goal of preserving twenty-three thousand (23,000) acres of land by 2030. Committee Chair Grimmer presented maps depicting the current state of conservation lands in Orange County, additionally, he shared specific maps highlighting conservation areas in both eastern and western regions of the County. The committee learned that once the Green PLACE Program requires land as the sole owner, the future land use is converted to preservation, which precludes a number of uses on the property. The Green PLACE Program does not prohibit the selling of any Green PLACE acquired land even though the land was specifically acquired for the purpose of preservation. It only requires a simple majority vote of the Board of County Commissioners. Ms. Jackson indicated during the committee meeting, that while no Green PLACE parcels have been sold since being acquired, the County has been approached by potential buyers of such land. In the committee's formulation of their proposed amendment, they considered an example from Pinellas County Charter, Section 2.07(a),(b),(c),(d),(e). - Environmental lands. Ultimately, the committee opted not to pursue Pinellas' model, which seemed too restrictive. The committee concluded that the Board of County Commissioners should retain an element of discretion and flexibility even with regards to parks and preservation land.

Committee Chair Grimmer reviewed the proposed ballot language as follows:

Exhibit "A"

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

**SUPERMAJORITY COUNTY COMMISSION VOTE TO DISPOSE OF OR CHANGE USE OF
"COUNTY PROTECTED LANDS"**

Amending the Orange County Charter to define "County Protected Lands" as County owned (in whole or in part), operated, or maintained public parks and recreation areas, and environmentally sensitive lands acquired by the County for environmental, ecological, or recreational purposes; and requiring that any County Commission action authorizing the disposition of County Protected Lands or change to another use must be approved by a majority-plus-one County Commission vote.

Yes

No

Text Revisions: Upon approval of this question at referendum, the following portions of the Orange County Charter are amended to read as follows:

Sec. 713. - County Protected Lands.

A. Definition of "County Protected Lands". As used in this section, "County Protected Lands" means public parks and recreation areas that are owned, operated, or maintained by the county, and environmentally sensitive lands acquired by the county for environmental, ecological, or recreational purposes. References to ownership or acquisition encompass ownership or acquisition of any interest in real property, whether by conveyance, dedication, grant of easement, or otherwise, and whether held solely, or in common with others.

B. Supermajority vote requirement. Any action of the board authorizing the disposition of any County Protected Lands, or any portion thereof, or the change of any County Protected Lands, or any portion thereof, to another use must be approved by an affirmative vote of not less than a majority plus one of the entire membership of the board.

A motion was made by Member Grimmer, seconded by Member Bagga, to accept the Final Report of the Sustainable Charter & Charter Clean Up Committee. No vote taken. Discussion ensued relating to the topic.

Member Stoccardo called the question to end discussion, however, CRC Chair Hartage requested holding off calling the question as there were CRC members who still needed to speak.

Discussion ensued relating to the topic.

A motion was made by Member Stoccardo, seconded by Member Batchelor, to call the question to end discussion: The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Bagga, to approve the Final Report of the Sustainable Charter & Charter Clean Up Committee. The motion carried by the following vote:

Aye: 10 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Arias, Member Bagga, Member Callan, Member Stoccardo, Member Riley, and Member O'Neal

Nay: 4 - Member Hartage, Member Chira, Member Wynn, and Member Winesburgh

Absent: 1 - Member Adamson Profit

D. CRC-24-126 Sustainable Growth & Charter Clean Up Committee - Requiring Adoption of a Fiscal Sustainability Analysis Tool (Recommending Charter Amendment)

Committee Chair Grimmer introduced the committee's recommendation requiring the County's adoption of a fiscal sustainability analysis tool. The proposed ballot language by the committee is as follows:

Exhibit "A"

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

ORANGE COUNTY CHARTER AMENDMENT REQUIRING ADOPTION OF A FISCAL SUSTAINABILITY ANALYSIS TOOL

Amending the County Charter to require that no later than October 2025, the County shall adopt a fiscal sustainability analysis methodology and process to enable the County to evaluate the impacts of proposed Urban Service Area expansions and proposed development in Rural Settlements and Rural Service Area on the County's capacity to efficiently provide and maintain infrastructure and services over the County Comprehensive Plan's longest-range planning period.

___ Yes
___ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Orange County Charter are amended to read as follows:

Sec. 506i. - Fiscal Sustainability Analysis Tool

No later than October 2025, the county shall adopt a fiscal sustainability analysis methodology and process to enable the county to evaluate the impacts of proposed Urban Service Area expansions, and the impacts of proposed development in Rural Settlements and the Rural Service Area, on the county's capacity to efficiently provide and maintain infrastructure and services over the Orange County Comprehensive Plan's longest-range planning period. The county may amend the methodology and process after adoption.

If any other charter amendment is adopted as Section 506 of the Orange County Charter at the November 2024 general election, this section shall be codified as Section 507.

Committee Chair Grimmer discussed the October 2025 deadline, which the Committee felt provided the County enough time to adopt the methodology and processes required by the Charter amendment. The proposal also requires the tool to evaluate the County's capacity over the longest-range planning period provide for the Comprehensive Plan. He added that both the current version of the Comprehensive Plan and proposal update, that is Vision 2050, represents a twenty-year plan horizon that the County is meant to consider. Committee Chair Grimmer noted that the committee's proposal requires the tool to have a similar long range scope. It does not use the twenty years contained in the Comprehensive Plan but rather the committee wanted the flexibility in case the planning horizon changed or the County determines that even a longer term vision is required.

Committee Chair Grimmer added that the proposal only requires the County adopt the methodology and processes of evaluating fiscal sustainability.

Committee Chair Grimmer summarized the Final Report of the Sustainable Growth & Charter Clean Up Committee regarding requiring the adoption of a Fiscal Sustainability Analysis Tool. Committee Chair Grimmer reviewed Orange County Comprehensive Plan Policy FLU1.2.8, which outlines the County intention to establish a fiscal sustainability analysis tool. Although the provision was adopted in 2013, no progress has been made developing that tool; furthermore, Vision 2050 LMN 1.3.11., also indicates the development of a fiscal sustainability tool, however, no tool has been implemented. The Committee determined it must take action to ensure compliance and enforce this policy. Committee Chair Grimmer also presented an analysis between fiscal sustainability versus suburban sprawl, a financial sustainability case study conducted in 2021 in Tennessee, and highlights from the committee meeting with Urban3, a company who provides local governments data driven analysis regarding development patterns and how they affect long term balance sheets.

Committee Chair Grimmer stressed the fiscal sustainable analysis tool is purely informational and provides County Staff and the Board of County Commissioners financial data on which to base their land decisions on urban service area expansions and proposed developments in the rural service area. This proposal does not mandate the County Commission use the data or the development project must be revenue neutral or net positive. If approved by the voters, Orange County is free to continue to approve new growth that is financially and environmentally destructive to the community.

A motion was made by Member Grimmer, seconded by Member Arias, to approve the Final Report of the Sustainable Growth & Charter Clean Up Committee regarding the Fiscal Sustainability Analysis Tool; and further, move the recommendation to the first public hearing. No vote taken. CRC Chair Hartage shared his concerns about putting this issue on the ballot. Committee Chair Grimmer remarked on CRC Chair Hartage's comments about the issue of not requiring the County to use the fiscal sustainable analysis. Committee Chair Grimmer stated that legal counsel advised the committee not to require the County to use the tool because it would be too close to the Comprehensive Planning by Charter amendment. Discussion ensued relating to the topic.

Member de la Portilla asked CRC General Counsel Vose for clarification on how the Charter cannot mandate Comprehensive Plan policies. CRC General Counsel Vose stated that it would be problematic to require the Board of County Commissioners utilize a methodology process in the evaluation of certain development approvals, which closely resembles the precise types of evaluation criteria found in the Comprehensive Plan.

CRC Chair Hartage asked CRC General Counsel Vose to explain the primary difference between the proposed amendment and what currently exists in the Comprehensive Plan in terms of enforcement. CRC General Counsel Vose explained the primary difference between the proposed Charter amendment and the Comprehensive Plan is the October 2025, deadline in the proposed charter amendment requiring adoption of a fiscal sustainability analysis methodology and process. Discussion ensued relating to the topic. CRC General Counsel Vose contributed to the discussion regarding the primary difference between the proposed amendment and Comprehensive Plan and added that the proposed ballot title and summary also includes wording "over the County Comprehensive Plan's longest-range planning period", which emphasizes a long period of time rather than a short period of time. Vice Chair Chira inquired whether all projects encroaching on rural areas, including duplexes and subdivisions of any scale, would be required to undergo this methodology process. CRC General Counsel Vose stated that there is no requirement, that any project, be subjected to this process. He added that all the proposed amendment requires is that a process to evaluate urban service area expansions and proposed developments be developed or created. It does not have to be applied in any instance.

Discussion ensued. CRC General Counsel Vose contributed to the discussion regarding the Fiscal Sustainability Analysis Tool as it is written in the current Comprehensive Plan and the proposed Vision 2050.

FLU1.2.8. The language in the Comprehensive Plan reads as follows: "Orange County will develop a fiscal sustainability analysis tool. In addition, the County will include policies to support fiscally sustainable development patterns in the Future Land Use and Capital Improvements elements. The methodology and policies will further the County's effort to evaluate the impacts of proposed Urban Service Area expansions, as well as the impact of proposed development in Rural Settlements and in the Rural Service Area, on the County's capacity to efficiently provide and maintain infrastructure and services. (Added 05/13, Ord. 2013-11)"

LMN 1.3.11. The language in Vision 2050 reads as follows: "Orange County will develop a fiscal sustainability analysis tool. In addition, the County will include policies to support fiscally sustainable development patterns in the Land Use, Mobility, and Neighborhoods and Implementation chapters. The methodology and policies will further the County's effort to evaluate the impacts of proposed Urban Service Area expansions, as well as the impact of proposed development in Rural Settlements and in the Rural Service Area, on the County's capacity to efficiently provide and maintain infrastructure and services. (Added 05/13, Ord. 2013-11) (FLU1.2.8)"

A motion was made by Member Grimmer, seconded by Member O'Neal, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Arias, to approve the Final Report of the Sustainable Growth & Charter Clean Up Committee regarding the Fiscal Sustainability Analysis Tool; and further, move the recommendation to the first public hearing. The motion carried by the following vote:

Aye: 9 - Member Batchelor, Member Grimmer, Member Jackson, Member Arias, Member Bagga, Member Callan, Member Stoccardo, Member Riley, and Member O'Neal

Nay: 5 - Member de la Portilla, Member Hartage, Member Chira, Member Wynn, and Member Winesburgh

Absent: 1 - Member Adamson Profit

**E. CRC-24-127 Sustainable Growth & Charter Clean Up Committee - Rural Boundary
(Recommending Charter Amendment)**

Committee Chair Grimmer thanked his fellow Committee members, staff from the Comptroller's Office, and CRC General Counsel Vose for their work and assistance provided to the Sustainable Growth & Charter Clean Up Committee.

Committee Chair Grimmer summarized the final report of the Sustainable Growth & Charter Clean Up Committee regarding Rural Boundary. At the July 17, 2023, citizen Kelly Semrad proposed the rural boundary topic to the full CRC as a cost saving measure matter to drive infrastructure investment, road improvements, social and community service, transportation, and school investments to the urban area. In addition to the financial benefits, Ms. Semrad indicated the environmental improvements resulting from the rural boundary would increase the quality of life for Orange County residents. Since Ms. Semrad's proposed rural boundary topic, the CRC has heard from residents urging the CRC create a rural boundary to protect plant and wildlife, and provide for adequate aquifer recharge.

During the CRC meeting on February 19, 2024, Committee Chair Grimmer reported that a memo

from County Staff and feedback from representatives of municipalities during public comment indicated opposition to the committee's proposal as drafted. The proposal had set the rural boundary according to the County's urban service area map. Moreover, both Orange County Staff and municipalities voiced concerns about lands located outside the County's urban service area that is either planned for or was already developed with more suburban style land uses, which included growth centers, sector plans, and land currently outside the urban service area but located in unincorporated Orange County that was subject to a joint planning agreement with a municipality, and where the municipality had taken actions in contemplation of future annexation and development such as building utility lines. Based upon discussion at the February 19, 2024, CRC meeting, it was decided by the CRC that the rural boundary issue be sent back to the committee for additional deliberation on matters pertaining to Joint Planning Agreements, other relevant issues related to municipalities, and a closer examination of the east-west rural boundary.

On March 1, 2024, the Sustainable Growth & Charter Clean Up Committee heard from Olan Hill and Misty Mills, Orange County Planning Division, which discussed the County's concerns relating to joint planning agreements (JPA's), growth centers, and sector plans Horizon West in the west and Innovation Way in the east. During the meeting, the committee unanimously agreed to carve out these areas from the rural boundary. The current map of the proposed rural boundaries and rural areas are depicted in Exhibit C of the committee's Final Report.

Following discussions with County Staff and representatives, CRC General Counsel Vose drafted new ballot language as designated in Exhibit B of the committee's Final Report. Committee Chair Grimmer explained Exhibit B is not the final draft language the committee is proposing tonight; and further, is only offered for context and background information. Committee Chair Grimmer presented the following:

Exhibit "B"

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

ORANGE COUNTY CHARTER AMENDMENT ESTABLISHING RURAL BOUNDARY AND RURAL AREA ("AREA")

Establishing a Rural Area (unincorporated lands located outside the County's Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date) where the County's comprehensive plan and land development regulations will exclusively govern land development and prevail over municipal ordinances, and where comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Area, must be approved by majority-plus-one County Commission vote.

On February 27, 2024, the Florida state legislature filed and approved Senate Bill 1420, which was aimed at the committee's proposed ballot language. The bill reads as follows:

163.3167 Scope of act.-

(8) (d) A citizen-led county charter amendment that is not required to be approved by the board of county commissioners preempting any development order, land development regulation, comprehensive plan, or voluntary annexation is prohibited unless expressly authorized in a county charter that was lawful and in effect on January 1, 2024.

Committee Chair Grimmer addressed the misinformation as to what Exhibit B and current proposal the committee is trying to accomplish. The Committee cannot strip any landowner of their existing property rights in unincorporated Orange County or property owners with land in the municipalities. He added that the proposal only requires a slightly higher voting threshold on a future land use amendment that increases density and intensity of parcels in the rural area of only unincorporated Orange County, and not the municipality. Furthermore, the Committee is not proposing any changes to future land use decisions in the urban service area of Orange County. Committee Chair Grimmer noted that CRC members today received emails in opposition to the rural boundary that were based in part on potential negative affects to the Hispanic communities of Azalea Park, Union Park, and Meadowoods, however, all those communities are located within the County's urban service area, and therefore, the rural boundary would have no impact on those communities or any other in the urban service area.

In terms of the Exhibit B proposal, as preempted by the State, Committee Chair Grimmer explained that the Committee would not and could not outright prohibit future annexations of land currently in unincorporated Orange County into municipalities because annexations are solely controlled by State law. If the Board of County Commissioners agrees that the municipalities should apply their own land use regulations for a parcel set to be annexed, the Board could vote with a majority plus one to remove the land from the rural area. Such a vote would release the land from the protections provided in Exhibit B and the municipality would be permitted to apply their own land use rules upon annexation.

Committee Chair Grimmer informed the CRC that as of tonight, Senate Bill 1420 has not been sent to the Florida Governor for signature or veto. It is not state law, however, the committee has proceeded as if the bill eventually will become law. Based upon the bill, the committee proposes the following ballot language, as depicted in Exhibit A of the final report as follows:

Exhibit "A"

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

ORANGE COUNTY CHARTER AMENDMENT ESTABLISHING RURAL BOUNDARY AND RURAL AREA ("AREA")

Establishing a Rural Area (unincorporated lands located outside the County's Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date) where County comprehensive plan amendments increasing density or intensity, and ordinances removing lands from the Area, must be approved by majority-plus-one County Commission vote.

Yes
 No

Text Revisions: Upon approval of this question at referendum, the following portions of the Orange County Charter as amended to read as follows:

Sec. 506. - Rural Boundary and Rural Area.

A. Establishment of Rural Area and Rural Boundary. There is hereby established a Rural Area, initially consisting of all lands lying in the unincorporated County as of the effective date of this section that are located outside of the following areas as of the effective date of this section: (1) the Urban Service Area specified in the Orange County comprehensive plan; (2) municipal joint planning areas adopted by joint planning agreement or interlocal agreement; (3) Growth Centers specified in the Orange County comprehensive plan; (4) the Innovation Way Overlay specified in the Orange County comprehensive plan; and (5) the Horizon West Villages specified in the Orange County comprehensive plan. There is hereby established a Rural Boundary, consisting of the boundary lines of the Rural Area.

B. Legal Effect of Rural Area.

(1) After the effective date of this section, any ordinance amending the Orange County comprehensive plan that increases allowable density or intensity within the Rural Area or any portion thereof, may be approved only by an affirmative vote of not less than a majority plus one of the entire membership of the board.

(3) After the effective date of this section, the board of county commissioners may remove lands from the Rural Area only by ordinance approved by an affirmative vote of not less than a majority plus one of the entire membership of the board.

(C). This charter amendment shall become effective upon the date of canvassing board certification of approval by a vote of the electors of Orange County.

A motion was made by Member Grimmer, seconded by Member Stoccardo, to approve the Sustainable Growth & Charter Clean Up Committee Final Report regarding the rural boundary; and further, send the recommendation to a public hearing. No vote taken. CRC Chair Hartage indicated that if the CRC accepts the recommendation the first public hearing will occur later tonight, however if it does not pass the topic will not proceed any further. Discussion ensued relating to the topic. CRC General Counsel Vose contributed to the discussion.

A motion was made by Vice Chair Chira, seconded by Member Stoccardo, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Stoccardo, to approve the Sustainable Growth & Charter Clean Up Committee Final Report regarding the rural boundary; and further, send the recommendation to a public hearing. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

Member Batchelor inquired about the possibility of proceeding directly to the public hearing vote without allowing for public comment due to the considerable support shown by the CRC for the rural boundary topic. In response, CRC General Counsel Vose reminded the CRC that it is within the rights of the public to provide their comments during a public hearing. He further suggested that once public comment has been received, the CRC may proceed with a vote without any further discussion from its members.

VI. Committee Recommendation Public Hearings

CRC Chair Hartage opened the first of six public hearings scheduled for tonight.

**A. CRC-24-129 Sustainable Growth & Charter Clean Up Committee - Rural Boundary
(First of Two Public Hearings / Votes)**

1. Public Comment
2. CRC Discussion and First Vote

CRC Chair Hartage indicated, per the CRC bylaws, that before any item is placed on the ballot, the CRC will hold two public hearings to consider the topic. CRC Chair Hartage opened the first of two public hearings of the Sustainable Growth & Charter Clean Up Committee regarding the Rural Boundary. CRC Chair Hartage limited public comment to two (2) minutes per person.

Committee Chair Grimmer addressed Member Callan's previous comments about limiting the proposed amendment to only the east side of Orange County. He indicated the issue was discussed during committee meetings, and the proposed amendment includes the west side of Orange County because it provides more protection to the rural settlements, which are created by ordinance that could be repealed, at any time, by the Board of County Commissioners.

The following persons addressed the CRC:

- Sid Mair
- Reed McCoy

- Samuel Chambers
- Laurie Forrester
- Maria Estella Casanova-Baker
- David Bear
- Ed Williams
- Nelson Betancourt

A motion was made by Member Grimmer, seconded by Member Bagga, to approve the Rural Boundary proposal as outlined in Exhibit A; and further, send the recommendation to a second public hearing. No vote taken. Discussion ensued relating to the topic.

Discussion ensued regarding Senate Bill 1420, which reads as follows: "163.3167 Scope of act.
 - (8) (d) A citizen-led county charter amendment that is not required to be approved by the board of county commissioners preempting any development order, land development regulation, comprehensive plan, or voluntary annexation is prohibited unless expressly authorized in a county charter that was lawful and in effect on January 1, 2024."

A motion was made by Member Arias, seconded by Member Grimmer, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Bagga, to approve the Rural Boundary proposal as outlined in Exhibit A; and further, send the recommendation to a second public hearing. The motion carried by the following vote:

Aye: 12 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, and Member O'Neal

Nay: 2 - Member Chira, and Member Winesburgh

Absent: 1 - Member Adamson Profit

B. CRC-24-128 Sustainable Growth & Charter Clean Up Committee - Consideration of the proposed amendment concerning a supermajority County Commission vote to dispose of or change use of "County Protected Lands"
 (First of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and First Vote

CRC Chair Hartage opened the first of two public hearings of the Sustainable Growth & Charter Clean Up Committee's consideration of the proposed amendment concerning a supermajority

County Commission vote to dispose of or change use of "County Protected Lands".

A motion was made by Member Grimmer, seconded by Member Stoccardo, to approve the Charter proposed amendment regarding County Protected Lands and a majority-plus-one vote of the County Commission to change the use or dispose of these lands. No vote taken. Discussion ensued relating to the topic.

The following persons addressed the CRC:

- Lee Perry
- David Bear

Member Callan called the question to end discussion, however, CRC Chair Hartage requested holding off calling the question.

A motion was made by Member O'Neal, seconded by Member Arias, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Stoccardo, to approve the Charter proposed amendment regarding County Protected Lands and a majority-plus-one vote of the County Commission to change the use or dispose of these lands. The motion carried by the following vote:

Aye: 11 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, and Member O'Neal

Nay: 3 - Member Hartage, Member Chira, and Member Winesburgh

Absent: 1 - Member Adamson Profit

C. CRC-24-134 Sustainable Growth & Charter Clean Up Committee - Requiring Adoption of a Fiscal Sustainability Analysis Tool
(First of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and First Vote

CRC Chair Hartage opened the first of two public hearings of the Sustainable Growth & Charter Clean Up Committee's proposed amendment requiring adoption of a Fiscal Sustainability Analysis Tool.

A motion was made by Member Grimmer, seconded by Member Riley, to approve the Charter amendment requiring the adoption of a Fiscal Sustainability Analysis Tool; and further, send the recommendation to a second public hearing. No vote taken.

A motion was made by Member O'Neal, seconded by Member Stoccardo, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Riley, to approve the Charter amendment requiring the adoption of a Fiscal Sustainability Analysis Tool; and further, send the topic to a second public hearing. The motion carried by the following vote:

Aye: 9 - Member Batchelor, Member Grimmer, Member Jackson, Member Arias, Member Bagga, Member Callan, Member Stoccardo, Member Riley, and Member O'Neal

Nay: 5 - Member de la Portilla, Member Hartage, Member Chira, Member Wynn, and Member Winesburgh

Absent: 1 - Member Adamson Profit

D. CRC-24-132 Sustainable Growth & Charter Clean Up Committee - Consideration of the proposed amendment requiring the continued existence of an Affordable Housing Trust Fund
(Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

CRC Chair Hartage opened the second public hearing of the Sustainable Growth & Charter Clean Up Committee's consideration of the proposed amendment requiring the continued existence of an Affordable Housing Trust Fund. CRC Chair Hartage reiterated that the vote of the second public hearing is a final vote and will determine whether or not an item will be added to the ballot.

Committee Chair Grimmer presented the final report of the Sustainable Growth & Charter Clean Up Committee regarding the Affordable Housing Trust Fund. The proposed Charter amendment incorporates the Affordable Housing Trust Fund and its funding mechanism into the County Charter. He referred to the current affordable housing program that can be found in Ordinance 2020-09, Section 2-289 through Section 2-298. This ordinance establishes the trust fund as self-perpetuating but can be terminated by the Board of County Commissioners. He added that Section 2-296 states for the first ten (10) fiscal years beginning in March 2020, the County's proposed annual budget shall include monies dedicated to the Trust Fund.

Committee Chair Grimmer explained that incorporating the Trust Fund into the County Charter

would eliminate the County Commission's ability to dissolve the Trust Fund and include a mandatory funding mechanism to resolve any ambiguity that exists in the ordinance about whether the County Commission would be required to fund the Trust Fund beyond the initial ten (10) year period, which began in 2020. He added a Trust Fund with similar provisions has been included in the Charter for Broward, Brevard, and Alachua counties. These counties ensure the funding of the Trust Fund through their respective Board of County Commissioners.

A motion was made by Committee Chair Grimmer, seconded by Member Bagga, to approve the proposal to place the Affordable Housing Trust Fund and funding mechanism in the County Charter; and further, place the amendment on the November ballot. No vote taken.

The following persons addressed the CRC:

- Nelson Betancourt
- Reed McCoy

Committee Chair Grimmer reviewed the ballot language of the proposed amendment as follows:

Exhibit "A"

Ballot Proposal: The ballot title and ballot summary for this question are as follows:

ORANGE COUNTY CHARTER AMENDMENT REQUIRING CONTINUED EXISTENCE OF AFFORDABLE HOUSING TRUST FUND

Amending the County Charter to require the continued existence of an Affordable Housing Trust Fund used to create and preserve affordable housing, which may be funded by fees from new commercial and residential development and other sources, all as directed by the County Commission, and to provide for purposes, revenue sources, appropriation and expenditure of funds, annual audit, continuing nature, implementation by ordinance, administration, and oversight of the Trust Fund. No financial impact.

Yes

No

Text Revisions: Upon approval of this question at referendum, the following portions of the Orange County Charter are amended to read as follows:

Sec. 713.-Affordable Housing Trust Fund.

A. Affordable Housing Trust Fund to remain in continued existence. The Affordable Housing Trust Fund ("Trust Fund") initially establishing in Chapter 2, Article VIII, Division 2 of the Orange County Code shall remain in continued existence, as modified from time to time by ordinance in a manner not inconsistent with the requirements of this section.

B. Purposes of Trust Fund. The purpose of the Trust Fund is to provide the financial resources and the leverage necessary to create and preserve affordable housing units in Orange County. The purposes of the Trust Fund may be further specified by ordinance.

C. Revenue sources. The Trust Fund shall be funded as directed by the board of county commissioners. The Trust Fund may be comprised of the following sources:

- (1) General revenue fund monies appropriated to the Trust Fund by the board of county commissioners as part of the annual budget;
- (2) Funds voluntarily contributed by municipalities that may elect to participate in the Trust Fund and programs funded by the Trust Fund;
- (3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;
- (4) Mandatory or voluntary payments, including but not limited to fees from new commercial and resident development, made pursuant to development policies established by ordinance; and
- (5) Other sources as established by ordinance.

D. Continuing Nature of Trust Fund. Unless otherwise directed by the board of county commissioners ore required by applicable law, unspent portions of the Trust Fund, repayments of principal and interest on loans provided from the Trust Fund, and interest earned from the deposit or investment of monies from the Trust Fund;

- (1) Shall remain in the Trust Fund, to be used exclusively for the purposes of the Trust Fund;
- (2) Do not revert to the general revenues of the County; and
- (3) Any appropriations do not lapse.

Discussion ensued relating to the topic. CRC General Counsel contributed to the discussion.

A motion was made by CRC Chair Hartage, seconded by Member Bagga, to call the question to end discussion. The motion carried by the following vote:

Aye: 13 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member Stoccardo, and Member Riley

Absent: 2 - Member O'Neal, and Member Adamson Profit

A motion was made by Member Grimmer, seconded by Member Bagga, to approve the proposal to place the Affordable Housing Trust Fund and funding mechanism in the County Charter; and further, place the amendment on the November ballot. The motion carried by the following vote:

Aye: 11 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Stoccardo, and Member Riley

Nay: 2 - Member Wynn, and Member Winesburgh

Absent: 2 - Member Adamson Profit, and Member O'Neal

- E. CRC-24-130** Governmental Structure Committee - Consideration of the proposed amendment concerning the write-in candidate effect on timing of Charter officer elections
(Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

CRC Chair Hartage opened the second of two public hearings of the Governmental Structure Committee's consideration of the proposed amendment concerning the write-in candidate effect on timing of Charter officer elections.

Committee Chair de la Portilla stated essentially the proposed amendment is about write-in candidates on the County's local Charter elections.

A motion was made by Member de la Portilla, seconded by Member Wynn, to support the write-in candidate effect on the timing of Charter officer elections. No vote taken.

A motion was made by Member O'Neal, seconded by Vice Chair Chira, to call the question to end discussion. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Bagga, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 1 - Member Adamson Profit

A motion was made by Member de la Portilla, seconded by Member Wynn, to support the write-in candidate effect on the timing of Charter officer elections. The motion carried by the following vote:

Aye: 14 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 1 - Member Adamson Profit

- F. CRC-24-131** Transportation Committee - Consideration of the proposed amendment creating the Transportation Mobility Advisory Commission
(Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

CRC Chair Hartage announced the cancellation of the Transportation Committee consideration of the proposed amendment creating the Transportation Mobility Advisory Commission. This item has been rescheduled for the next CRC meeting.

VII. Member Comments

A motion was made by Member Riley, seconded by Member Wynn, to adjourn the meeting. No vote taken. CRC Chair Hartage acknowledged the meeting was adjourned.

CRC Staff announced the next CRC meeting is scheduled for Monday, May 20, 2024, at 6 p.m.

CRC Chair Hartage announced to CRC members that dinner will be provided at the last CRC meeting on May 30, 2024, and he will recognize the committee chairs and committee members. Additionally, he requested CRC Staff schedule a press conference on Wednesday, May 22, 2024, at 11:30 a.m., to announce all of the items passed by the CRC. All committee chairs are requested to attend and CRC members are invited.

CRC Chair Hartage discussed the Final Report of the CRC and he indicated that only the Chair and Vice Chair will sign the Final Report, which will include all committee reports, any oral reports made from the podium and the CRC Bylaws. The Final Report will be made available online for the viewing public. CRC Chair Hartage elected not to have a Public Relations Committee to discuss items with the media. CRC Members addressing the media were advised to speak only on their own behalf and not on behalf of the full CRC. If any issue needs to be discussed about the full CRC, it will be addressed by either the CRC Chair or CRC Vice Chair on behalf of the full CRC.

VIII. Adjournment

There being no further business, the CRC adjourned at 11:04 p.m.



Homer Hartage, Chair
2024 Charter Review Commission