

Interoffice Memorandum

DATE: December 23, 2024

TO: Mayor Jerry L. Demings and County Commissioners

THROUGH: N/A

FROM: Tanya Wilson, AICP, Director, Planning, Environmental, and Development Services Department

CONTACT: Renée H. Parker, LEP, Manager, Environmental Protection Officer

PHONE: (407) 836-1420

DIVISION: Environmental Protection Division

ACTION REQUESTED:

Approval of An Ordinance Pertaining To The Composition And Representative Membership Of The Environmental Protection Commission; Amending Section 15-30, Article II, Chapter 15, Orange County Code Of Ordinances; Modifying The Composition And Representative Membership Of The Environmental Protection Commission; And Providing An Effective Date. All Districts.

and

Authorize staff to correct any non-substantial grammatical or scrivener's errors within the Ordinance.

PROJECT: Proposed Revisions to Section 15-30, Chapter 15, Article II, Air and Water Pollution Control Act

PURPOSE: The Environmental Protection Commission (EPC) is a seven-member advisory board that, among other duties, recommends revisions and amendments of appropriate rules and regulations necessary for the implementation and effective enforcement, administration, and interpretation of the provisions of environmental regulations under the authority of the Environmental Protection Officer. These standards provide for the effective and continuing protection of the environmental quality of the air, water, and land in the county. Additionally, the EPC holds public hearings on appeals of staff decisions regarding environmental permits, and after publicly discussing the application and taking testimony and evidence from the applicant and public, submits its recommendation on the application to the Board.

On January 27, 2023, the Butler Chain of Lakes Advisory Board (BCLAB) submitted a letter to District 1 Commissioner Nicole Wilson citing concerns about decisions made by the EPC, specifically discussing whether the professional employment of certain members create conflicts of interest, affecting the advisory board's ability to make unbiased recommendations to the Board. On June 27, 2023, Commissioner Wilson requested a Commissioner's Report to discuss these concerns raised by the BCLAB.

On October 24, 2023, Commissioner Wilson presented her concerns to the Board. During the discussion, staff provided information relating to the composition of the EPC and relayed perspective and suggested changes provided by the Membership and Mission Review Board (MMRB). The MMRB is charged with reviewing and recommending prospective members to the County's various advisory boards. Following the discussion, Mayor Demings directed staff to research the issues, reengage the MMRB and EPC for additional feedback, and schedule a work session to provide findings and outline the MMRB recommendations.

On March 5, 2024, EPD staff provided a work session that covered the background of the issues, the history of EPC since establishment in 1965 to present, an overview of historical EPC decisions based on research and analysis by staff, summary of discussions with the Membership and Mission Review Board (MMRB) and their recommendations regarding number and expertise of EPC members and suggested potential options for Board consideration. The presentation was informational only, no action by BCC was required. During the March 2024 Board work session, several additional questions were raised by the Board related to EPC member composition and BCC decision powers and clarification on the sunset provisions. EPD was directed to work with the County Attorney's office to seek additional guidance and report the findings back to the Board.

On July 9, 2024, staff presented a work session to the Board to answer the specific questions from the March 2024 work session and requested Board direction with respect to EPC status and member composition. The Board directed staff to maintain the EPC as a 7-member advisory board and to modify the composition and representative membership of the EPC Chapter 15, Article II Section 15-30(c)

- Change from one to two citizen representatives
- Change from two to one business representative or municipality interest

On October 30, 2024, staff held a public hearing with the Environmental Protection Commission outlining the proposed changes to the Article. The EPC recommended approval of the draft Ordinance.