

Orange County Government

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



Charter Review Commission Agenda - Final

Monday, April 29, 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**Pledge of Allegiance****I. Roll Call****II. Chair / Vice Chair Comments****III. Public Comment****IV. Consent Item**

- A. CRC-24-111 Approval and execution of the minutes of the April 2, 2024 meeting of the Charter Review Commission (CRC).

Attachments: 2024-04-02 CRC Draft Meeting Minutes

V. Committee Meeting Updates

These updates are for informational purposes only. No action is required of the CRC at this time.

- A. CRC-24-112 Sustainable Growth & Charter Clean Up Committee Meetings Held on April 24 and 26, 2024 (Committee Chair Grimmer)

VI. Acceptance of Committee Final Reports

- A. CRC-24-113 Governmental Structure Committee - Term Limits (Recommending No Action)
- B. CRC-24-114 Governmental Structure Committee - County Administration (Recommending No Action)
- C. CRC-24-115 Governmental Structure Committee - Write-in Candidate Effect on Timing of Charter Officer Elections

Attachments: 2024-04-29 VI. C. 1. Write-in Candidates Final Report and Rec
2024-04-29 VI. C. 2. Write-in Candidates FIS Package

- D. CRC-24-116 Sustainable Growth & Charter Clean Up Committee - Affordable Housing Trust Fund

Attachments: 2024-04-29 VI. D. 1. Affordable Housing Final Report and Rec
2024-04-29 VI. D. 2. Affordable Housing FIS Package

VII. Committee Recommendation Public Hearings

- A. CRC-24-117 Governmental Structure Committee - Consideration of the proposed

amendment concerning the write-in candidate effect on timing of Charter officer elections (First of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion & First Vote

Attachments: 2024-04-29 VII. A. 1. Write-in Candidates Final Report and Rec
2024-04-29 VII. A. 2. Write-in Candidates FIS Package

- B. CRC-24-118** Sustainable Growth & Charter Clean Up Committee - Consideration of the proposed amendment requiring the continued existence of an Affordable Housing Trust Fund (First of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and First Vote

Attachments: 2024-04-29 VII. B. 1. Affordable Housing Final Report and Rec
2024-04-29 VII. B. 2. Affordable Housing FIS Package

- C. CRC-24-119** Governmental Structure Committee - Consideration of the proposed amendment increasing the number of Orange County Commission Districts (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

Attachments: 2024-04-29 VII. C. 1. Expansion of Commission FR and Rec
2024-04-29 VII. C. 2. Expansion of Commission Revised Ballot Summary
2024-04-29 VII. C. 3 Expansion of Commission FIS Package

- D. CRC-24-120** Governmental Structure Committee - Consideration of the proposed amendment establishing the charter office of County Attorney (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

Attachments: 2024-04-29 VII. D. 1. County Attorney Final Report and Rec
2024-04-29 VII. D. 2. County Attorney Revised Ballot Summary
2024-04-29 VII. D. 3. County Attorney FIS Package

VIII. Member Comments

Orange County Government

*Orange County Administration Center
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Orlando, FL 32802-1393*



Draft Meeting Minutes

Tuesday, April 2, 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 6:02 p.m.

Present: 12 - Member Dick Batchelor, Member Angel de la Portilla, Member Eric R. Grimmer, Member Erica Jackson, Member Homer Hartage, Member Lee Chira, Member Tom Callan, Member Dotti Wynn, Member Eugene Stoccardo, Member Cornita A. Riley, Member Chuck O'Neal, and Member Beverly Winesburgh

Absent: 3 - Member Alisia Adamson Profit, Member Mark Arias, and Member Rishi Bagga

Others present:

Deputy Clerk David Rooney
Assistant Deputy Clerk Jennifer Lara-Klimetz
CRC General Counsel Wade Vose
CRC Administrative Assistant Jessica Vaupel
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Roll Call**

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

II. Chair / Vice Chair Comments

Chair Hartage acknowledged Alycia Calderon-Walker, aide to District 5 Commissioner Emily Bonilla and mentioned she will be addressing the CRC on behalf of Commissioner Bonilla.

Chair Hartage addressed the CRC regarding tonight's proceedings and indicated the committees are at the final stage of their reports and recommendations. During the meeting, CRC General Counsel Vose will present the final report and recommendation of the Initiative Petitions Committee. Chair Hartage pointed out if the Initiative Petitions Committee recommendation is accepted by the CRC, later this evening the CRC will hold it's first of two public hearings for votes on the recommendation. Furthermore, the CRC will hold its first of two public hearings and votes on the Governmental Structure Committee recommendation, to increase the County Commission from six to eight. He acknowledged the Comptroller's Office has provided the financial analysis and impact statement for the Governmental Structure Committee proposed Charter amendment. Chair Hartage announced public comment would be heard at the start of the meeting and during the public hearings; and further, confirmed tonight's scheduled public hearings have been properly noticed and posted by CRC staff.

III. Public Comment

Alycia Calderon-Walker, aide to District 5 Commissioner Emily Bonilla read a statement on

behalf of Commissioner Bonilla supporting the Initiative Petitions Committee and Governmental Structure Committee recommendations.

The following person addressed the CRC during public comment: Patricia Rumph.

V. Acceptance of Committee Final Report

A. CRC-24-099 Initiative Petitions Committee

CRC Chair Hartage recognized Initiative Petitions Committee Chair Dottie Wynn; and further, stated CRC Attorney Vose will present the Initiative Petitions Committee final recommendation report. The CRC will hold the first of two public hearings for votes on the recommendation, if the Initiative Petitions Committee's recommendation is accepted by the CRC, later this evening. CRC Chair Hartage reiterated in evaluating the final recommendation report the CRC can do one of the following: 1.) accept the report of the committee as presented; 2.) reject the report of the committee; or 3.) accept the report with proposed changes for further review by the committee. Furthermore, a report going back to the committee for further review does not mean it will be approved.

CRC Chair Hartage acknowledged Member Batchelor joined the meeting.

CRC General Counsel Vose presented an overview of the final recommendation report submitted by the Initiative Petitions Committee. He explained the primary work of this committee was to review the initiative petition section of the Charter specifically the amendments made by the 2016 CRC Commission. Based upon their review, the Initiative Petition Committee is recommending substantial revisions to the current CRC Commission.

The committee has reviewed Sec. 601 (Initiative and referendum), Sec. 602 (Procedure for initiative and referendum), and Sec. 603 (Limitation) of the current charter.

Concerning Section 601 (Initiative and referendum) the majority of the committee recommends lowering the number of signed petitions necessary to propose a charter amendment from 10 percent of registered voters in each commission district to 5 percent of registered voters in a majority of commission districts. Similarly, the Committee recommended the number of signed petitions necessary to propose an ordinance by initiative be reduced from 7 percent of registered voters in each commission district to 3 percent of registered voters in a majority of commission districts.

Concerning Section 602 (Procedure for Initiative and referendum), the recommendation of the committee is to eliminate Subsection E. The Committee also reviewed the existing initiative petitions procedures for the legal review panel, financial impact statement, and public hearing. CRC Attorney Vose mentioned these processes subsequently takes place after the one percent threshold of all petitions gathered from all county electors in each county commission district, has been met. He went on to explain the three procedures under the current Charter as follows:

1) Legal review panel consisting of three local government attorneys selected under the County's

procurement process. These attorneys review any proposed charter amendment or ordinance by initiative to determine if that proposed charter amendment or ordinance by initiative satisfies the single subject requirement, are not inconsistent with state law or restrictions in the Charter.

2) Financial impact analysis is required to be completed by the County Comptroller's Office, along with a seventy five (75) word financial impact statement relating to the proposed Charter amendment or ordinance by initiative that would be placed separately on the ballot.

3) Public Hearing scheduled for a proposed Charter amendment or ordinance by initiative.

The recommendations from the majority of the Committee regarding the legal review panel, financial impact analysis, and public hearing requirements are as follows:

The Initiative Petitions Committee recommends substituting the legal review panel with the submission of three letters from three Florida licensed attorneys to evaluate and determine single subject requirement, make sure its not inconsistent with state law, the Florida Constitution, or the restrictions of the charter;

Further, the Comptroller's financial impact statement would be prepared and made available to the public after the one percent voter threshold has been met with regards to a charter proposed amendment or ordinance by initiative; however, it would not require the financial impact statement be summarized in seventy five (75) words be placed separately on the ballot. CRC General Counsel Vose explained the decision of the Committee was based upon a similar requirement found in Broward County's Charter. Broward County requested the opinion of the Division of Elections regarding if a separate seventy five (75) word financial impact statement be placed on the ballot after a proposal. The Divisions of Elections found that was preempted under a recent case law from the Florida Supreme Court; they did not offer an opinion regarding the requirement of a financial impact analysis and it was determined to maintain a financial impact analysis in the proposal;

And further, regarding public hearings there is no separate requirement for a public hearing for each charter amendment and the committee recommends retaining the preexisting requirement. The language found in the Charter indicates whenever an ordinance by initiative is proposed there will be a public hearing at which the Board of County Commissioners will review that Ordinance by initiative; and further, the BCC would have the option to adopt it as an Ordinance and avoid going through the entire process of putting it on the ballot. The Committee does not propose any changes.

Discussion ensued regarding single subject requirements on the ballot. CRC General Counsel Vose explained under the current Charter, the procedural requirement in the initiative petitions process is any proposed charter amendment or Ordinance by initiative has to meet single subject requirements; however this is in contrast to charter amendments that come out of the CRC which are not subject to single subject requirements. He explained that matter would eventually need to be reviewed either through the legal review process in the current Charter or the legal process described in the Committee proposal.

Further changes recommended by the majority of the committee were concerning petition affidavit requirements and petition signatures. In the current Charter, there are a list of requirements regarding petitions gathered by volunteers and paid circulators including the requirement they sign an affidavit under oath verifying the individual signing the petition. However, the majority of the committee recommended removing any affidavit requirements pertaining to petitions gathered by volunteers but incorporating the state law requirements with regards to paid petition gatherers. In addition, the committee is also recommending removing a process that was added in the 2016 Charter providing an opportunity for signature withdrawal. In the current Charter, if someone signs a petition prior to the process being completed the voter could submit a form to the Supervisor of Elections office to remove their signature. The committee is recommending the removal of that procedure from the Charter provision.

CRC Chair Hartage questioned how the work of the committee would be incorporated into ballot language. CRC General Counsel Vose indicated the work of the committee was to review proposed ballot language and the recommendation of the majority of the committee is embodied in the final report with the proposed ballot language to read as follows:

Exhibit "A"

Ballot Proposal:

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

AMENDMENT REVISING ORANGE COUNTY CHARTER INITIATIVE PETITION PROCESS

Revising the charter initiative petition process by lowering petition requirements for charter amendments from 10 percent of registered voters in each commission district to 5 percent in a majority of districts, and for ordinances from 7 percent in each district to 3 percent in a majority of districts; removing signature withdrawal procedures; and revising financial impact statement, public hearing, legal review, and petition affidavit requirements.

☐ Yes

☐ No

Discussion ensued regarding ballot language, amendments to Charter from the 2016 CRC Commission, time frames for submitting petitions, verification of petition signatures, requirements of volunteer and paid petition gatherers, and Florida counties voter threshold. CRC General Counsel Vose and CRC Chair Hartage contributed to the discussion.

A motion was made by Member Wynn, seconded by Member Jackson, to accept the report of the Initiative Petitions Committee as presented. No vote taken. Discussion ensued regarding the difficulties of the current initiative process and the proposed requirements for petition gatherers.

Member Batchelor requested to amend the language of the Sec. 602 Procedure for initiative and referendum, Page Seven, Subsection C. CRC General Counsel Vose contributed to discussion

and read the amended language into the record as follows: Petition gathering. As used in this Charter, "petition gatherer" means any individual who is a resident of Orange County who gathers signatures in person for a county initiative petition.

Discussion ensued. CRC General Counsel Vose requested CRC Chair Hartage announce the seconder of the amended motion. Member Callan was announced as the seconder. CRC General Counsel Vose contributed to the discussion regarding the requirement of the affidavit in Florida Statute 100.371(5).

A motion was made by Member Batchelor, seconded by Member Callan, to amend the motion; and further, modify the language of the Initiative Petition Committee's Report, Sec. 602 Procedure for initiative and referendum, Page Seven, Subsection C. No vote taken. Discussion ensued. CRC General Counsel Vose contributed to discussion with regards to the amended motion and restricting petition gathering only to residents of Orange County. Discussion ensued.

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

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

Absent: 3 - Member Arias, Member Bagga, and Member Adamson Proffitt

A motion was made by Member Batchelor, seconded by Member Callan, to amend the main motion; and further, modify the language of the Initiative Petition Committee's Report, Section 602 Procedure for initiative referendum, Page 7, Subsection C to read as follows:

C. Petition gathering. As used in this Charter, "petition gatherer" means any individual who is a resident of Orange County who gathers signatures in person for a county initiative petition; ~~A petition gatherer gathering signatures for a county initiative petition who is not being paid to do so shall display a badge that states the words "volunteer gatherer", in a form and manner specified by ordinance. Petition forms gathered by a paid gatherer shall contained a completed affidavit referenced in F.S. § 100.371(5), signed by the paid gatherer. The petition gatherer shall sign and verify under penalty of perjury pursuant to F.S. § 92.525(1)(c) the affidavit required on the petition form for each petition gathered by the petition gatherer. Petitions signed by an elector but not gathered by a petition gatherer shall not be required to have a completed petition gatherer's affidavit, but such petitions shall be submitted by the sponsor to the supervisor of elections with an accompanying statement signed and verified under penalty of perjury pursuant to F.S. § 92.525(1)(c), averring that such accompanying petitions were submitted by the signing elector directly to the sponsor and were not collected by a petition gatherer, and stating the month during which such petitions were received by the sponsor.~~ The motion failed by the following vote:

Aye: 3 - Member Batchelor, Member de la Portilla, Member Chira

No: 9 - Member Jackson, Member Winesburgh, Member Callan, Member Wynn, Member Hartage, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 3 - Member Arias, Member Bagga, and Member Adamson Profit

A motion was made by Member Wynn, seconded by Member Jackson, to accept the report of the Initiative Petitions Committee as presented. The motion carried by the following vote:

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

Absent: 3 - Member Adamson Profit, Member Arias, and Member Bagga

IV. Committee Meeting Updates

A. CRC-24-097 Sustainable Growth & Charter Clean Up Committee Meeting Held on March 25, 2024 (Committee Chair Grimmer)

Committee Chair Grimmer provided an update of the Sustainable Growth and Charter Clean Up Committee meeting held on March 25, 2024. The Committee examined the citizen proposed charter topic regarding Orange County conservation land and parks and if these lands can only be used for the purpose in which they were originally acquired. County staff from the Parks Department gave a presentation explaining the policy and processes for designated park land. They also discussed conservation land and will examine the GreenPlace and land conservation programs at a future committee meeting.

B. CRC-24-098 Transportation Committee Meeting Held on March 27, 2024 (Committee Chair Callan)

Committee Chair Callan provided an update on the Transportation Committee meeting. He indicated the committee is working on ballot language and is expecting to present the committee's final report at the next CRC meeting.

VI. Committee Recommendation Public Hearings (First of Two Public Hearings / Votes)

A. CRC-24-100 Initiative Petitions Committee - Consideration of the Proposed Amendment Revising the Orange County Charter Initiative Petition Process

1. Public Comment
2. CRC Discussion and Vote

CRC Chair Hartage opened the first of two public hearings regarding the Initiative Petitions Committee Report revising the Orange County Initiative process. He indicated the Initiative Petitions Committee Recommendation Report was accepted by the CRC earlier in the evening. The purpose of both scheduled public hearings is for the CRC to vote on the proposal recommendation of the Committee to be placed on the ballot for voter consideration. CRC Chair Hartage also stated tonight's scheduled public hearing was properly noticed.

The following person addressed the CRC: Mark Bender.

Discussion ensued amongst the CRC regarding amount of registered voters within the commission districts, lowering the threshold for gathered petitions, badge identification for petition gatherers, inclusion of a signed affidavit for petition gatherers, petition signature withdrawal, amending the Initiative Petitions Committee recommendations at the second public hearing. CRC Chair Hartage contributed to the discussion.

A motion was made by Member Callan, seconded by Member Grimmer, to approve the Initiative Petitions Committee proposed amendment revising the Orange County Charter Initiative Petition process. The motion carried by the following vote:

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

Absent: 4 - Member Adamson Profit, Member Chira, Member Arias, and Member Bagga

B. CRC-24-101 Governmental Structure Committee - Consideration of the Proposed Amendment Increasing the Number of Orange County Commission Districts (Orange County Comptroller Financial Impact Analysis attached)

1. Public Comment
2. CRC Discussion and Vote

Consideration began on the first public hearing for consideration of the Governmental Structure Committee's proposed amendment increasing the number of commission districts from six to eight. CRC General Counsel Vose reminded the CRC members they accepted the recommendation of the Committee at their last CRC meeting. The public hearing brought before the CRC today, is the first of two hearings in which the CRC will vote on the recommendation of the Committee to expand the commissioner districts from six to eight. CRC Chair Hartage contributed to discussion.

Committee Chair de la Portilla provided an overview of the Governmental Structure Committee's final report, originally presented at the CRC Meeting on March 18, 2024. He mentioned there have been fifteen committee meeting and the following topics have been considered: expansion of County Commission, frequency of Charter Review Commission, separation of powers, County Attorney, term limits, non-partisan elections, and the County Administrator. The Government Structure Committee will meet again on Friday, April 5, 2024, to discuss the role of the County Attorney, term limits, and non-partisan elections.

Committee Chair de la Portilla gave the reasons for the committee's recommendation for the expansion and provided an estimate of fiscal impacts associated with expanding the number of County Commission districts from six to eight. He mentioned the County Comptroller's Office also provided their required analysis and financial impact statement and noted it's similar to the Committee's proposed estimate. He further spoke on the growth of the County's budget and provided a breakdown of the population per district of the six largest counties in Florida (Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, and Pinellas). He also presented an

overview of the findings and actions taken by the Governmental Structure Committee and provided a timeline of future proceedings if the committee report and final ballot language are approved.

The following person addressed the CRC: Mark Bender.

Discussion ensued amongst the members regarding expansion of commission, district population as opposed to the voting population, expanding district representation, areas within Orange County becoming their own municipality, current and future population growth per district, increasing staff levels for District Commissioners, majority and minority representation in commission districts, future population growth as a basis for district expansion, committee recommendations based upon the needs of the commission districts. CRC Chair Hartage contributed to the discussion. Discussion ensued.

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

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

Absent: 4 - Member Arias, Member Chira, Member Bagga, and Member Adamson Profit

A motion was made by Member de la Portilla, seconded by Member Riley, to advance the topic of expansion of County Commission Districts to next and second public hearing. Discussion ensued regarding scheduling the second public hearing after consideration of Orange County's transportation sales tax initiative scheduled on April 9, 2024. CRC General Counsel Vose contributed to the discussion. CRC Chair Hartage indicated the second public hearing to consider the Governmental Structure Committee proposed amendment increasing the county commission districts from six to eight is scheduled for April 29, 2024.

A motion was made by Member de la Portilla, seconded by Member Riley, to advance the topic of expansion of County Commission Districts to next and second public hearing. The motion carried by the following vote:

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

Nay: 1 - Member Hartage

Absent: 4 - Member Adamson Profit, Member Chira, Member Arias, and Member Bagga

VII. Member Comments

This item was not considered.

VIII. Adjournment

A motion was made by Member Wynn, seconded by Member Riley, to adjourn the meeting. The motion carried by the following vote:

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

Absent: 4 - Member Arias, Member Chira, Member Bagga, and Member Adamson Profit

There being no further business, the meeting adjourned at 8:50 p.m.

Homer Hartage, Chair
2024 Charter Review Commission



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Governmental Structure Committee

Section 605 – Effect of Write-In Candidates **Final Report and Recommendation to the Charter Review Commission**

April 24, 2024

Committee Members:

Angel de la Portilla, Chair
Mark Arias
Tom Callan
Chuck O'Neal
Cornita Riley
Eugene Stoccardo
Beverly Winesburgh
Dotti Wynn

Summary of Recommendation

At its November 9, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") assigned to the Governmental Structure Committee (the "Committee") a topic proposed by CRC Member O'Neal, initially framed as "doing away with all charter provisions that enable commissioners, mayors and charter officers from winning election in a primary by receiving 50% plus one vote."

Section 605 of the Charter provides for nonpartisan elections for all elected charter officers (currently the County Mayor and County Commissioners). The second paragraph of that section provides that in the event "more than two" candidates (in other words, three or more candidates) have qualified for a single office, an election will be held at the August primary election, rather than the November general election. In the event of such an election held at the August primary, if a candidate receives a majority of the votes cast, that candidate wins; otherwise, the two candidates receiving the most votes are placed on the November general election ballot.

After review and discussion of the issue, the Committee focused on a particular aspect of the August primary/November general election dynamic: the effect of write-in candidates on the timing of such elections.

In 2002, the County Attorney's office rendered an opinion that, under the current language of Section 605, a write-in candidate for a charter office constituted a candidate that had qualified, and that as a result, write-in candidates would count toward number of qualified candidates necessary to trigger an election at the August primary. The County and the

Orange County Supervisor of Elections office have thereafter conducted elections consistent with this interpretation.

The Committee discussed at length the fact that in a number of past Orange County Commission election cycles, the filing of a write-in candidate has had the effect of moving a County Commission election from the November general election (with historically higher voter turnout) to the August primary election (with generally lower voter turnout).

Specifically, there have been a number of instances where two candidates for an office qualified in a manner securing them ballot placement (by collecting signatures or paying the filing fee), which would otherwise result in an election at the November general election, but that because a write-in candidate also filed, the election was moved to the August primary. In such instances, with only two candidates with their names placed on the August ballot, one of the two inevitably receives a majority of the total votes cast.

After discussing these dynamics, the Committee concluded that it would be appropriate to propose a charter amendment that provides that write-in candidates not count toward the number of qualified candidates necessary to trigger an election at the August primary. Such an exclusion of write-in candidates from the count of qualified candidates necessary to trigger an election at the August primary would be similar to provisions of Sec. 105.051, Fla. Stat., governing the nonpartisan elections of school board members.

Accordingly, after consideration of the information presented, the Committee voted 6-0 to recommend to the full CRC an amendment to the Orange County Charter to provide that in elections for Charter offices (currently the County Mayor and County Commissioners), write-in candidates shall not count toward the number of qualified candidates (three or more) necessary to trigger an election at the August primary, as shown at Exhibit "A".

Exhibit "A"

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

WRITE-IN CANDIDATE EFFECT ON TIMING OF CHARTER OFFICER ELECTIONS

Amending the Orange County Charter to provide that in elections for Charter offices (currently the County Mayor and County Commissioners), write-in candidates shall not count toward the number of qualified candidates (three or more) necessary to trigger an election at the August primary.

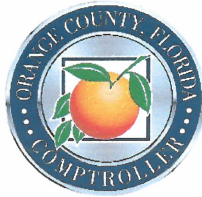
_____ Yes
_____ No

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

Sec. 605. Nonpartisan elections.

Elections for all Charter offices shall be nonpartisan. No candidate shall be required to pay any party assessment or be required to state the party of which the candidate is a member. All candidates' names shall be placed on the ballot without reference to political party affiliation.

In the event that more than two (2) candidates, not counting write-in candidates, have qualified for any single office under the chartered government, an election shall be held at the time of the ~~first~~-primary election and, providing no candidate receives a majority of the votes cast, the two (2) candidates receiving the most votes shall be placed on the ballot for the general election.



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

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DATE: April 24, 2024

TO: Orange County Charter Review Commission

FROM: Phil Diamond, CPA, Orange County Comptroller *PAD*

SUBJECT: Financial Analysis of the Governmental Structure Committee's Proposed Charter Amendment Modifying Charter Officer Elections

As requested, attached you will find our office's analysis and financial impact statement related to the Governmental Structure Committee's proposed Charter Amendment modifying Charter Officer elections under Section 605 of the Orange County Charter. This analysis is based on the proposed language that was recommended out of the Governmental Structure Committee, and would potentially be subject to change if the full Charter Review Commission approved changes to the final language.

Should you have any questions or need additional information, please contact our office.

Charter Officer Elections Charter Revisions

Ballot Summary

Comptroller's Office Financial Impact: No financial impact

Financial Analysis and Impact

1. Estimated increase or decrease in any revenues to Orange County or local government agencies:

This proposed Charter amendment does not appear to have any impact on Orange County revenues or other local government revenues.

2. Expenditures:

This proposed Charter amendment does not appear to have any impact on Orange County expenditures or other local government expenditures.





2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

Affordable Housing Trust Fund Amendment Final Report and Recommendation to the Charter Review Commission

April 5, 2024

Committee Members:

Eric R. Grimmer, Chair
Rishi Bagga
Dick Batchelor
Tom Callan
Chuck O'Neal
Eugene Stoccardo

At its June 15, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (then titled the Charter Cleanup Committee) a proposal for incorporating the County's Affordable Housing Trust Fund into the Orange County Charter. The evaluation topic proposal was submitted by CRC Member Grimmer, who argued that incorporating a requirement for the continued existence of the Affordable Housing Trust Fund into the Charter would offer some protection against future County Commissions deciding to completely get rid of this important program.

Based on its study, the Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended Affordable Housing Trust Fund Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview of the Committee Process

At its August 9, 2023 meeting, the Committee received a presentation from Mitchell Glasser, Manager of the Orange County Housing and Community Development Division, concerning the County's Affordable Housing Trust Fund Plan FY2023-2025. In addition, Mr. Glasser provided handouts concerning 50-year annual trends and Orange County's Housing For All 10-Year Action Plan. Further discussion was also had with General Counsel Wade Vose concerning recent affordable housing trust fund charter amendments in Broward, Brevard, and Alachua Counties. Mr. Vose also provided an overview of state legislative limitations on affordable housing funding, including the requirement of Sec. 125.01055, Fla. Stat., that a county must provide incentives to fully offset all costs to a developer of a required affordable housing contribution or linkage fee.

At its November 29, 2023 meeting, the Committee requested that Mr. Vose prepare a draft of an Affordable Housing Trust Fund Amendment. At its December 18, 2023 meeting, the Committee reviewed the draft, and asked Mr. Vose to research whether the charter amendment could limit the ability of the Board of County Commissioners to divert Affordable Housing Trust Fund funds to other uses by requiring a unanimous vote to do so. At the Committee's February 16, 2024 meeting, Mr. Vose advised that the case of *Ellis v. Burk*, 866 So.2d 1236 (Fla. 5th DCA 2004) and an Attorney General's Opinion cited therein indicated that such a limitation would be contrary to Florida law relating to the Board of County Commissioner's statutory budgeting authority. Thereafter, the Committee approved this final report, recommending the placement of the Affordable Housing Trust Fund Amendment attached as Exhibit "A" on the November 2024 ballot.

Overview of Charter Amendment

The proposed charter amendment requires the continued existence of the Affordable Housing Trust Fund initially established in Chapter 2, Article VIII, Division 2 of the Orange County Code. Notably, the charter amendment does not attempt to lock specific details of the ordinance or program in place, expressly acknowledging that the ordinance may be "modified from time to time by ordinance in a manner not inconsistent with the requirements of this section". This was seen as important, as the Committee did not want to tie the hands of the County and prevent it from implementing new and innovative affordable housing strategies and programs in the future.

The proposed charter amendment specifies purposes for the Trust Fund, drawn from the existing ordinance, but with the opportunity for the Board of County Commissioners to expand the purposes by ordinance.

The amendment specifies a number of potential revenue sources for the Trust Fund. Such funding decisions are ultimately left to the Board of County Commissioners, in accordance with case law such as *Ellis v. Burk, supra*, *Charlotte County Board of County Commissioners v. Taylor*, 650 So.2d 146 (Fla. 2d DCA 1995), and *Board of County Commissioners of Dade County v. Wilson*, 386 So.2d 556 (Fla. 1980).

Among the list of potential revenue sources are "[m]andatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to development policies established by ordinance". Notably, the proposed amendment does not require the Board of County Commissioners to adopt such fees, in part to avoid potential conflict with the prohibitions of Sec. 163.3167(8), Fla. Stat. ("An initiative or referendum process in regard to any land development regulation is prohibited."; "An initiative or referendum process in regard to any local comprehensive plan amendment or map amendment is prohibited...")

The language of the charter amendment had its origin in a 2020 Alachua County charter amendment establishing an affordable housing trust fund in that county, which was in turn based on a 2018 Broward County charter amendment doing the same. The language of the Committee's proposed charter amendment was rewritten from these models primarily

to address the preexistence of Orange County's established affordable housing trust fund and program.

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.

_____ 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 established 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, and 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;

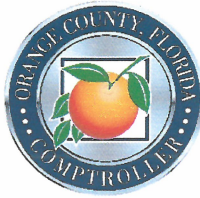
- (3) Grants or donations of money, property, or any other thing of value made to the Trust Fund;
- (4) Mandatory or voluntary payments, including but not limited to fees from new commercial and residential development, made pursuant to development policies established by ordinance; and
- (5) Other sources as established by ordinance.

D. Continuing Nature of Trust Fund. Unless otherwise directed by the board of county commissioners or 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.

E. Administration and Oversight of Trust Fund. The Trust Fund shall be administered, appropriated, and expended in a manner consistent with the purposes of the Trust Fund. The Trust Fund shall be administered in a manner that allows the Trust Fund to leverage other sources of public funds and private investment. The Trust Fund shall be included in the annual audit.

F. Implementation by Ordinance. No later than July 1, 2025, the board of county commissioners shall amend Chapter 2, Article VIII, Division 2 of the Orange County Code to implement the minimum requirements of this section. The board of county commissioners may adopt additional implementing ordinances not inconsistent with the requirements of this section.



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

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Web page: www.occompt.com

DATE: April 24, 2024

TO: Orange County Charter Review Commission

FROM: Phil Diamond, CPA, Orange County Comptroller *PAD*

SUBJECT: Financial Analysis of the Sustainable Growth & Charter Clean Up
Committee's Proposed Affordable Housing Trust Fund Charter Amendment

As requested, attached you will find our office's analysis and financial impact statement related to the Sustainable Growth & Charter Clean Up Committee's proposed Affordable Housing Trust Fund Charter Amendment. This analysis is based on the proposed language that was recommended out of the Sustainable Growth & Charter Clean Up Committee, and would potentially be subject to change if the full Charter Review Commission approved changes to the final language.

Should you have any questions or need additional information, please contact our office.

Affordable Housing Trust Fund Charter Revisions

Ballot Summary

Comptroller's Office Financial Impact: No financial impact

Financial Analysis and Impact

1. Estimated increase or decrease in any revenues to Orange County or local government agencies:

This proposed Charter amendment does not appear to have any impact on Orange County revenues or other local government revenues. Despite making references to potentially creating new revenue sources, this Charter amendment does not require the Board of County Commissioners to adopt any new fees or taxes. That authority rests solely with the Board of County Commissioners. Therefore, this amendment cannot compel the collection of any future revenues.

2. Expenditures:

This proposed Charter amendment does not appear to have any impact on Orange County expenditures or other local government expenditures. Future funding decisions regarding expenditures are ultimately retained by the Board of County Commissioners. Therefore, this amendment cannot compel any future expenditures to be made.





2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Governmental Structure Committee

Expansion of County Commission Final Report and Recommendation to the Charter Review Commission

March 1, 2024

Committee Members:

Angel de la Portilla, Chair
Mark Arias
Tom Callan
Chuck O'Neal
Cornita Riley
Eugene Stoccardo
Beverly Winesburgh
Dotti Wynn

Summary of Recommendation

At its May 15, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") created the Expansion of County Commission Committee (now titled the Governmental Structure Committee due to its expanded scope) (the "Committee") to study proposals relating to expanding the membership of the Orange County Commission.

Over the past 10 months, the Committee has held 13 public meetings to hear public input and discuss such proposals. The Committee reviewed the work of similarly-tasked committees of the 2012, 2016, and 2020 CRC, historical population information, anticipated population growth, and population distribution among incorporated areas (within municipalities) and unincorporated areas. The Committee heard presentations from County staff concerning recent space studies looking at reorganizing County office space usage. The Committee also spoke with multiple current County Commissioners, as well as County Mayor Demings, former County Mayor Linda Chapin, and former County Mayor Teresa Jacobs. In the course of its work, the Committee considered options of adding either one or two additional single-member districts, as well as the option of maintaining the status quo.

After consideration of the information presented, the Committee voted 8-0¹ to recommend to the full CRC an amendment to the Orange County Charter

¹ The vote at the February 7, 2024 Committee meeting was 8-0 in favor of the recommendation. CRC Member Wynn later advised at the Committee's March 1, 2024 Committee meeting that she intended to vote against the recommendation, ultimately resulting in a 7-1 split of the Committee in support of the proposal.

increasing the number of County Commission districts from six single-member districts to eight single-member districts, resulting in a nine-member County Commission (eight Commissioners plus County Mayor) effective for the 2026 General Election.

The specifics of the proposal provide that the County Commission would redistrict the county into eight commission districts no later than November 1, 2025, to be effective for the 2026 general election. The redistricting plan would designate one of the two new commission districts to have an initial two-year term to maintain staggered elections. The proposal also ensures that term limits on sitting County Commissioners would continue to apply upon the transition to eight districts.

The proposed ballot and charter language is attached as Exhibit “A”.

Reasons for Recommendation

Explosive Growth in Orange County Population Since 1988

First and foremost, Orange County has more than doubled in population (from roughly 621,000 to approximately 1,500,000) since 1988, when a prior CRC successfully proposed a charter amendment expanding the County Commission from 5 at-large members to 6 commissioners elected in single-member districts plus a countywide Chairman. As a result, the representativeness and responsiveness adopted by the voters in their prior expansion of the County Commission has been eroded by this explosive population growth. When the current structure of the County Commission was approved by the voters in 1988, the average population of each district was roughly 104,000. That average population has grown to roughly 250,000 per district.

Expanding the number of commissioners and county commission districts from six to eight would reduce the average per district population to roughly 187,000.

A majority of the workgroup found that the proposed decrease of population per district would enable members of the County Commission to be more responsive and representative of their districts.

“Infrastructure” for Future Population Growth

In a related vein, the Committee also noted that the population of Orange County is projected to continue to increase at an extraordinary rate. The Bureau of Economic and Business Research at the University of Florida has projected that Orange County’s population could increase to over 1,800,000 by 2030 (300,000/district with 6 districts, 225,000/district with 8 districts), and to nearly 2,000,000 by 2035 (333,333/district with 6 districts, 250,000/district with 8 districts). As a result, an expansion of the County Commission not only addresses the population growth that has occurred to date, but anticipates the needs of the county with regard to future growth.

Relatively Small Costs are Justified to Enhance Representation

The Committee reviewed information relating to the one-time and annual costs associated with adding two additional commissioners to the County Commission, including both historical Comptroller analyses of similar proposals and recently updated information. While the costs are not trivial, they are exceedingly small in the context of a county budget of over \$6.7 billion annually. Moreover, the relatively small costs are outweighed by the enhancement of representation for the citizens of the County.

The Supervisor of Elections provided the Committee with an estimate of a one-time cost of \$594,000 for that office to implement the new districts. Budgeted costs for the 2021 redistricting process amounted to roughly \$100,000, although that amount does not include staff time². In addition, County staff provided an estimated one-time capital cost of approximately \$1.7 million to modify current space to accommodate two additional commissioners and their staff, including remodels of portions of the 1st and 5th floors of the County Administration Building. These amounts total to an estimated one-time cost of roughly \$2.4 million, or roughly 0.036% of the \$6.7 billion FY 2024 Orange County budget. The Committee also received information indicating an estimated annual recurring cost of personal services and operating expenses (including the \$75,000 Public Works allocation per commissioner) for two additional commissioners at roughly \$1.2 million, or 0.018% of the \$6.7 billion FY 2024 Orange County budget.

Representative government costs money. Presumably money could be saved by eliminating most of the elected county commission seats and districts, but at an unacceptably heavy cost to the representativeness and responsiveness of the County Commission. Accordingly, the Committee believed that achieving enhanced representativeness and responsiveness was worth the relatively small incremental cost.

² A financial impact statement will ultimately be prepared by the Comptroller at the request of the full CRC, pursuant to a policy instituted by the Comptroller's office. All of the financial figures stated in this paragraph are provided to convey a general understanding of the scale of the costs.

Exhibit “A”

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

ORANGE COUNTY CHARTER AMENDMENT INCREASING NUMBER OF COUNTY COMMISSION DISTRICTS

Amending the Orange County Charter to increase the number of County Commission districts from six single-member districts to eight single-member districts, resulting in a nine-member County Commission (eight Commissioners plus County Mayor) effective for the 2026 General Election, while ensuring that term limits on sitting County Commissioners continue to apply upon the transition to eight districts.

_____ 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. 202. Commission districts.

- A. Effective for the 2026 general election and thereafter, there shall be eight commission districts of contiguous territory as nearly equal in population as practicable. Prior to the commencement of the term of office for the commissioners elected at the 2026 general election, there ~~There~~ shall be six commission districts of contiguous territory as nearly equal in population as practicable. The districts shall be reconsidered after each decennial census and adjusted by the board after one or more public hearings.
- B. No later than November 1, 2025, the board shall adopt a redistricting plan redistricting the county into eight commission districts of contiguous territory as nearly equal in population as practicable, to be effective for the 2026 general election and thereafter. Commissioners in office upon the redistricting plan becoming effective shall continue in office until the normal expiration of their terms. The redistricting plan shall designate a commission district that will be subject to an initial abbreviated term of 2 years to maintain staggered elections as provided in Section 204.A.

Sec. 203. Structure of board.

Effective for the 2026 general election and thereafter, the number of commissioners shall be eight, with each member elected from single member districts and a county

mayor elected county-wide. Prior to the commencement of the term of office for the commissioners elected at the 2026 general election, the ~~The~~ number of commissioners shall be six, with each member elected from single member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.

Sec. 204. Terms of county commissioners.

- A. Commissioners shall be elected for terms of four years. Elections shall be staggered so that half of the total number of ~~three~~ commissioners will be elected every two years. The terms of office for the commissioners shall commence either on the second Tuesday following the general election or, if not inconsistent with general law, on such later date as set by ordinance, but in no case later than the first Tuesday after the first Monday in January following the general election.
- B. A county commissioner who has held the same commission district office for the preceding two full terms is prohibited from appearing on the ballot for re-election to that office. The initial abbreviated term required by Section 202.B. shall not constitute a full term for the purposes of the term limits imposed by this subsection. Preceding terms of county commissioners holding such offices upon the transition from six to eight commission districts shall count toward the term limits imposed by this subsection.



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WADE C. VOSE^{†‡}
NANCY A. STUPARICH
PAUL R. WATERS
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MARIA RONDEL

[†]BOARD CERTIFIED IN CITY, COUNTY &
LOCAL GOVERNMENT LAW

[‡]RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES
WINTER PARK
FORT MYERS
COCOA BEACH

M E M O R A N D U M

TO: 2024 Orange County Charter Review Commission
FROM: Wade C. Vose, General Counsel
DATE: April 24, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Expansion of County Commission Charter Amendment

Pursuant to the requirements of Sec. 702.B. of the Charter, please find attached as Exhibit "A" a revised ballot summary adding a summary of the Comptroller's financial impact statement relating to the proposed charter amendment expanding the membership of the County Commission. The language added to the ballot summary is as follows: "Estimated financial impact: One Time Costs - \$2.6 million; Annual Recurring Costs - \$1.3 million."

For ease of reference, the charter text revisions of the proposed charter amendment are also included at Exhibit "A". Such text remains unchanged from that reported out by the Governmental Structure Committee.

COUNSEL TO EXTRAORDINARY GOVERNMENTS & LEADERS THROUGHOUT FLORIDA SINCE 1973

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Exhibit “A”

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

**ORANGE COUNTY CHARTER
AMENDMENT INCREASING NUMBER OF
COUNTY COMMISSION DISTRICTS**

Amending the Orange County Charter to increase the number of County Commission districts from six single-member districts to eight single-member districts, resulting in a nine-member County Commission (eight Commissioners plus County Mayor) effective for the 2026 General Election, while ensuring that term limits on sitting County Commissioners continue to apply upon the transition to eight districts. Estimated financial impact: One Time Costs - \$2.6 million; Annual Recurring Costs - \$1.3 million.

____ 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. 202. Commission districts.

- A. Effective for the 2026 general election and thereafter, there shall be eight commission districts of contiguous territory as nearly equal in population as practicable. Prior to the commencement of the term of office for the commissioners elected at the 2026 general election, there ~~There~~ shall be six commission districts of contiguous territory as nearly equal in population as practicable. The districts shall be reconsidered after each decennial census and adjusted by the board after one or more public hearings.
- B. No later than November 1, 2025, the board shall adopt a redistricting plan redistricting the county into eight commission districts of contiguous territory as nearly equal in population as practicable, to be effective for the 2026 general election and thereafter. Commissioners in office upon the redistricting plan becoming effective shall continue in office until the normal expiration of their terms. The redistricting plan shall designate a commission district that will be subject to an initial abbreviated term of 2 years to maintain staggered elections as provided in Section 204.A.

Sec. 203. Structure of board.

Effective for the 2026 general election and thereafter, the number of commissioners shall be eight, with each member elected from single member districts and a county mayor elected county-wide. Prior to the commencement of the term of office for the commissioners elected at the 2026 general election, the ~~The~~ number of commissioners shall be six, with each member elected from single member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.

Sec. 204. Terms of county commissioners.

- A. Commissioners shall be elected for terms of four years. Elections shall be staggered so that half of the total number of ~~three~~ commissioners will be elected every two years. The terms of office for the commissioners shall commence either on the second Tuesday following the general election or, if not inconsistent with general law, on such later date as set by ordinance, but in no case later than the first Tuesday after the first Monday in January following the general election.

- B. A county commissioner who has held the same commission district office for the preceding two full terms is prohibited from appearing on the ballot for re-election to that office. The initial abbreviated term required by Section 202.B. shall not constitute a full term for the purposes of the term limits imposed by this subsection. Preceding terms of county commissioners holding such offices upon the transition from six to eight commission districts shall count toward the term limits imposed by this subsection.



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

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County Comptroller
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Web page: www.occompt.com

DATE: March 28, 2024

TO: Orange County Charter Review Commission

FROM: Phil Diamond, CPA, Orange County Comptroller *PAD*

SUBJECT: Financial Analysis of the Governmental Structure Committee's Proposed Charter Amendment Increasing Number of County Commission Districts from Six to Eight

As requested, attached you will find our office's analysis and financial impact statement related to the Governmental Structure Committee's proposed Charter Amendment which would increase the number of County Commission districts from six to eight. You will find that the results of our office's analysis are largely in line with information that was previously shared at the March 18, 2024 meeting of the Charter Review Commission by Committee Chairman de la Portilla.

Should you have any questions or need additional information, please contact our office.

Expansion of County Commission Districts from Six to Eight

Ballot Summary

Comptroller's Office Financial Impact: One-time costs of \$2.6 million and Annual costs of \$1.3 million

Financial Analysis and Impact

1. Estimated increase or decrease in any revenues to Orange County or local government agencies:

This proposed Charter amendment does not appear to have any impact on Orange County revenues or other local government revenues.

2. Expenditures:

This proposed Charter amendment would result in an increase of both one-time and annual recurring expenditures. One-time costs from adding two new Commission districts would include: elections costs of \$600,000; Redistricting Advisory Committee costs of \$200,000; and capital costs to renovate County Commission Chambers and add two new Commissioner's Offices of \$1,800,000. Annual recurring expenditures from adding two new Commission districts would total \$1,300,000 for personnel, operating costs, and discretionary public works funding. These annual recurring expenditures would increase in future years due to wage increases and inflation.





COMBINED COST ESTIMATE	
One-time Costs	\$2,604,000
Recurring Costs	\$1,314,000

Recurring Costs

Commission District Operating Budgets ¹	
District 1	\$504,523
District 2	529,047
District 3	528,072
District 4	561,497
District 5	572,464
District 6	572,464
Average District Budget	544,678
2 New Districts multiplied by Average Budget	1,089,356
\$75k Public Works Budget per District	150,000
Sub-total (in 2024 Dollars)	1,239,356
Projected costs in 2026 Dollars⁴	\$1,314,000

One-time Costs

Capital Construction Costs ²		
	Scope A	Scope B
1st Floor Simplified Renovation Option	\$185,000	
1st Floor Complete Renovation Option		\$378,000
5th Floor Renovation	630,000	630,000
Range of Probable Costs	815,000 -	1,008,000
Costs to Relocate Displaced Offices	0 -	200,000
Total Estimated Construction Costs	815,000 -	1,208,000
Design/Engineering, Soft Costs	350,000	350,000
Furniture, Fixtures, & Equipment	150,000	150,000
Sub-total (in 2024 Dollars)	1,315,000 -	1,708,000
Projected costs in 2026 Dollars⁴	\$1,394,000 -	\$1,810,000

Supervisor of Election Costs ³	
County-wide mailings	\$594,000
Cost of each new voting machine if new precincts are added	6,990

Redistricting Advisory Committee	
Estimated incremental costs to administer the Committee including staffing, building security, advertising, and meeting supplies	\$200,000

¹ Source: Orange County's Office of Management & Budget

² Source: Orange County's Administrative Services Department, Capital Projects Division. Two scenarios are presented based on different project scope options for the required buildouts.

³ Source: Orange County Supervisor of Elections Office

⁴ Costs have been increased using an estimated 3% per year, inflationary assumption



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Governmental Structure Committee

Charter Office of County Attorney Final Report and Recommendation to the Charter Review Commission

April 10, 2024

Committee Members:

Angel de la Portilla, Chair
Mark Arias
Tom Callan
Chuck O'Neal
Cornita Riley
Eugene Stoccardo
Beverly Winesburgh
Dotti Wynn

Summary of Recommendation

At its July 17, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") assigned to the Governmental Structure Committee (the "Committee") a study of the County Attorney as it relates to the role of serving both the executive and legislative branches of the County government.

Over the course of at least 10 of its public meetings, the Committee heard public input and studied, reviewed, and discussed the role of the County Attorney at length, amongst its other assigned subject matters.

The Committee began with a review of Florida's 20 county charters, noting that the Orange County Charter is the only one that does not establish a charter office of County Attorney.

The Committee reviewed the history of the County Attorney in the Orange County Charter, beginning with the original 1986 County Charter, in which the Office of County Attorney was previously established as a charter officer pursuant to former Section 403.

The Committee continued its review with the 1988 charter amendment that established the contours of our current form of government (separately elected county chairman [later county mayor] with executive authority and a member of the County Commission, and six single-member commission districts).

However, this same 1988 charter amendment also deleted Section 403 of the 1986 Charter, removing the County Attorney as a charter officer and replacing it with a division

of “legal services” under the direction and supervision of the County Mayor pursuant to Sections 401 and 402. Many committee members expressed concern that the removal of the County Attorney as a charter officer was not explicitly mentioned in the ballot summary presented to the voters for the 1988 charter amendment.

The Committee heard from current County Commissioners voicing concerns about access to legal services from the County Attorney’s office. The Committee also discussed the role of the County Attorney with a number of past and present officials, including:

- Tom Wilkes, former Orange County Attorney, Chairman of the 1986 Orange County Citizens Charter Government Study Committee, and Member of the 1988 CRC
- Former County Mayor Linda Chapin
- Former County Mayor Teresa Jacobs
- County Mayor Jerry Demings
- County Attorney Jeffrey Newton

In the course of these discussions, the Committee also learned more about longstanding policies that have been in place in the County Attorney’s office to help ensure the availability of access to legal services for County Commissioners.

As a result of its inquiries, the Committee explored the option of reviving former Section 403 of the 1986 Charter establishing a charter office of County Attorney, with potential revisions to account for modifications to the County’s form of government since that time.

The Committee discussed former Section 403 with County Attorney Newton. In the course of that discussion, Mr. Newton confirmed that the County Attorney’s client is the County government, and that, with the addition of references to the County Mayor and department heads, the following quote from former Section 403 is generally an accurate statement of the Orange County Attorney’s role:

“[t]he County Attorney and all assistant county attorneys shall represent the County government, the Commission, Administrator and the division heads and county officers, all divisions and agencies of County government and all Adjustment, Regulatory and Advisory Boards and Commissions in all legal matters affecting the County government”

The Committee also discussed the appropriate roles of the County Mayor and County Commission in the appointment and removal of the County Attorney. Former Section 403, in place prior to the shift to the County Mayor/County Commission form of government, vested appointment and removal power solely in the County Commission. After review, the Committee concluded that the Mayor and County Commission should each have an important role to play in the appointment and removal of the County Attorney.

Accordingly, after consideration of the information presented, the Committee voted 7-0 to recommend to the full CRC an amendment to the Orange County Charter establishing a charter office of County Attorney by reimplementing former Section 403 of the original 1986 County Charter, with specified revisions, as shown at Exhibit “A”.

Specifically, the 1986 charter language has been revised to provide that the County Attorney “shall be appointed by the county mayor and confirmed by a vote of a majority of the full board” and that the County Attorney “may be removed by the county mayor, or by a vote of a majority of the full board.” This removal language is a meaningful change from the status quo, as the County Attorney and other county department heads are presently only subject to County Commission confirmation (or withholding of confirmation) on an annual basis.

The language has also been revised to conform to the drafting conventions of the current Charter (for example, most titles in lowercase, and referring to the Board of County Commissioners as “the board” rather than “the Commission”) and to accommodate the current organizational structure of the County (with the inclusion of the County Mayor, and reference to County departments). Finally, the language has been revised to provide that the compensation of the County Attorney shall be set by the board “after recommendation by the county mayor”, consistent with an analogous charter provision concerning the County Administrator.

Exhibit “A”

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

**ORANGE COUNTY CHARTER
AMENDMENT ESTABLISHING CHARTER
OFFICE OF COUNTY ATTORNEY**

Amending the Orange County Charter to establish an office of the County Attorney, who shall be the County’s chief legal counsel, appointed by the County Mayor and confirmed by a majority of the full County Commission, and removed by either the County Mayor or a majority of the full County Commission.

_____ 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. 402. Initial divisions and administrative regulations.

A. [Initial divisions.] The following initial divisions are hereby established:

1. Community rehabilitative services.
2. Fire and rescue services.
3. Public utilities.
4. Administrative support.
5. Health and human services.
6. Public works and development.
7. Civic facilities.
8. ~~Legal services.~~

...

Sec. 403. Office of county attorney.

There shall be an office of the county attorney. The county attorney shall be the chief legal counsel to the county. The county attorney shall be appointed by the county mayor and confirmed by a vote of a majority of the full board. The county attorney may be removed by the county mayor, or by a vote of a majority of the full board. The county attorney shall employ such assistant county attorneys and special assistant county attorneys, on either a full-time or part-time basis, as may be deemed necessary, subject to budget approval. The county attorney and all assistant attorneys shall represent the county government, the board, county mayor, county administrator, and the department and division heads and county officers,

all divisions and agencies of county government and all adjustment, regulatory and advisory boards and commissions in all legal matters affecting the county government; and, upon request, they shall represent all constitutional officers serving Orange County. The county attorney and all assistant attorneys shall be licensed to practice law in the State of Florida. The compensation of the county attorney shall be set by the board after recommendation by the county mayor.



GRETCHEN R.H. ("BECKY") VOSE[†]
WADE C. VOSE^{†‡}
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PAUL R. WATERS
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MARIA RONDEL

[†]BOARD CERTIFIED IN CITY, COUNTY &
LOCAL GOVERNMENT LAW

[‡]RATED AV PREEMINENT BY MARTINDALE-HUBBELL

OFFICES
WINTER PARK
FORT MYERS
COCOA BEACH

M E M O R A N D U M

TO: 2024 Orange County Charter Review Commission
FROM: Wade C. Vose, General Counsel
DATE: April 24, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Charter Amendment Establishing Charter Office of County Attorney

Pursuant to the requirements of Sec. 702.B. of the Charter, please find attached as Exhibit "A" a revised ballot summary adding a summary of the Comptroller's financial impact statement relating to the proposed charter amendment establishing a charter office of County Attorney. The language added to the ballot summary is as follows: "No financial impact."

For ease of reference, the charter text revisions of the proposed charter amendment are also included at Exhibit "A". Such text remains unchanged from that reported out by the Governmental Structure Committee.

Exhibit “A”

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

**ORANGE COUNTY CHARTER
AMENDMENT ESTABLISHING CHARTER
OFFICE OF COUNTY ATTORNEY**

Amending the Orange County Charter to establish an office of the County Attorney, who shall be the County’s chief legal counsel, appointed by the County Mayor and confirmed by a majority of the full County Commission, and removed by either the County Mayor or a majority of the full County Commission. 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. 402. Initial divisions and administrative regulations.

A. [Initial divisions.] The following initial divisions are hereby established:

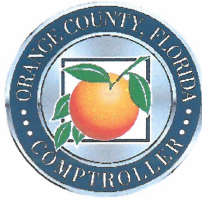
1. Community rehabilitative services.
2. Fire and rescue services.
3. Public utilities.
4. Administrative support.
5. Health and human services.
6. Public works and development.
7. Civic facilities.
8. ~~Legal services.~~

...

Sec. 403. Office of county attorney.

There shall be an office of the county attorney. The county attorney shall be the chief legal counsel to the county. The county attorney shall be appointed by the county mayor and confirmed by a vote of a majority of the full board. The county attorney may be removed by the county mayor, or by a vote of a majority of the full board. The county attorney shall employ such assistant county attorneys and special assistant county attorneys, on either a full-time or part-time basis, as may be deemed necessary, subject to budget approval. The county attorney and all assistant attorneys shall represent the county government, the board, county mayor,

county administrator, and the department and division heads and county officers, all divisions and agencies of county government and all adjustment, regulatory and advisory boards and commissions in all legal matters affecting the county government; and, upon request, they shall represent all constitutional officers serving Orange County. The county attorney and all assistant attorneys shall be licensed to practice law in the State of Florida. The compensation of the county attorney shall be set by the board after recommendation by the county mayor.



OFFICE OF COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

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DATE: April 24, 2024

TO: Orange County Charter Review Commission

FROM: Phil Diamond, CPA, Orange County Comptroller *PAI*

SUBJECT: Financial Analysis of the Governmental Structure Committee's Proposed
Charter Amendment Establishing an Office of the County Attorney

As requested, attached you will find our office's analysis and financial impact statement related to the Governmental Structure Committee's proposed Charter Amendment which would establish an office of the County Attorney. This analysis is based on the proposed language that was recommended out of the Governmental Structure Committee, and would potentially be subject to change if the full Charter Review Commission approved changes to the final language.

Should you have any questions or need additional information, please contact our office.

County Attorney Charter Revisions

Ballot Summary

Comptroller's Office Financial Impact: No financial impact

Financial Analysis and Impact

1. Estimated increase or decrease in any revenues to Orange County or local government agencies:

This proposed Charter amendment does not appear to have any impact on Orange County revenues or other local government revenues.

2. Expenditures:

This proposed Charter amendment does not appear to have any impact on Orange County expenditures or other local government expenditures.

