

Orange County Government

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



Charter Review Commission Agenda - Final

Monday, May 20, 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-24-135 Approval and execution of the minutes of the April 29, 2024 meeting of the Charter Review Commission (CRC).

Attachments: 2024-04-29 CRC Draft Meeting Minutes

V. Acceptance of Committee Final Reports

- A. CRC-24-136 Sustainable Growth & Charter Clean Up Committee - Charter Clean Up (Recommending No Charter Changes)

Attachments: 2024-05-20 V. A. Charter Cleanup Final Report and Rec

- B. CRC-24-137 Sustainable Growth & Charter Clean Up Committee - County Wetland Protections (Recommending No Charter Changes)

Attachments: 2024-05-20 V. B. Wetlands Protection Final Report and Rec

VI. Committee Recommendation Public Hearings

- A. CRC-24-138 Sustainable Growth & Charter Clean Up Committee - Rural Boundary (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

Attachments: 2024-05-20 VI. A. 1. Revised Rural Boundary Final Report and Rec

2024-05-20 VI. A. 2. Rural Boundary FIS Package

2024-05-20 VI. A. 3. Rural Boundary Revised Ballot Summary

- B. CRC-24-139 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"

(Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

Attachments: [2024-05-20 VI. B. 1. County Protected Lands Final Report and Rec](#)
[2024-05-20 VI. B. 2. County Protected Lands FIS Package](#)
[2024-05-20 VI. B. 3. County Protected Lands Revised Ballot Summary](#)

- C. CRC-24-140** Sustainable Growth & Charter Clean Up Committee - Requiring Adoption of a Fiscal Sustainability Analysis Tool (Second of Two Public Hearings / Votes)

1. Public Comment
2. CRC Discussion and Second Vote

Attachments: [2024-05-20 VI. C. 1. Fiscal Analysis Tool Final Report and Rec](#)
[2024-05-20 VI. C. 2. Fiscal Analysis FIS Package](#)
[2024-05-20 VI. C. 3. Fiscal Analysis Revised Ballot Summary](#)

- D. 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

Attachments: [2024-05-08 VI. F. 1. Transportation Final Report & Rec](#)
[2024-05-20 VI. D. 1. Transportation FIS Package](#)
[2024-05-20 VI. D. 2. Transportation Revised Ballot Summary](#)

VII. Discussion of Ballot Order

- A. CRC-24-141** Discussion of ballot order.

VIII. Member Comments

Orange County Government

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



Draft Meeting Minutes

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

The meeting was called to order at 6:04 p.m.

Present: 14 - Member Dick Batchelor, Member Alisia Adamson Profit, 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 Chuck O'Neal, and Member Beverly Winesburgh

Absent: 1 - Member Cornita A. Riley

Others present:

Deputy Clerk David Rooney
Assistant Deputy Clerk Jennifer Lara-Klimetz
CRC General Counsel Wade Vose
Value Adjustment Board Supervisor Anissa Mercado
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Roll Call**

Members Present: Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Wynn, Chair Hartage, Member Grimmer, Member Bagga, 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 addressed the CRC about tonight's proceedings, which will focus on whether the committee recommendations will be accepted as proposed ballot amendments. Additionally, he acknowledged the bylaws established and adopted by this CRC. Those bylaws include the requirement of two scheduled public hearings for any proposed ballot recommendation coming out of the Committees. CRC Chair Hartage emphasized the significance of conducting two public meetings, because it allows for CRC deliberations and for the public to express their viewpoints.

CRC Chair Hartage acknowledged Vice Chair Chira and Member Adamson Profit joined the meeting.

The CRC Meeting will consider the second public hearings for two items scheduled on tonight's agenda. As announced by CRC Chair Hartage, the Governmental Structure Committee proposed Charter Amendment increasing the number of Orange County Commission Districts along with the proposed Charter Amendment establishing the Charter Office of the County Attorney will have their second and final public hearings, resulting in a final vote by the CRC. CRC Chair Hartage requested CRC General Counsel Vose provide a brief overview along with the Committee Chair who will present the final reports. CRC Chair Hartage confirmed all of the tonight's scheduled public hearings have been properly advertised and noticed.

III. Public Comment

The following persons addressed the CRC during public comment:

- Chris Messina
- Gregg Jones
- Maria Jones
- James Leiter
- Reed McCoy
- Bonnie Jackson
- Nelson Betancourt
- Samuel Vilchez Santiago

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).

A motion was made by Member Wynn, seconded by Member Batchelor, to approve the minutes of April 2, 2024. The motion carried by the following vote:

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

Absent: 1 - Member Riley

V. Committee Meeting Updates

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

The Sustainable Growth and Charter Clean Up Committee met twice on April 24, and April 26, 2024. Committee Chair Grimmer indicated at the meeting of April 24, 2024, the committee met with County Staff from the Environmental Protection Division to discuss the Green PLACE (Park Land Acquisition for Conservation and Environmental Protection) Program and preserving that land for the purpose in which it was acquired. At the April 26, 2024, committee meeting the members worked on their charter amendment proposal which will eventually come before the full CRC. The next scheduled committee meeting will be held on April 30, 2024, at 11:00 a.m.

VI. Acceptance of Committee Final Reports

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

CRC Chair Hartage announced the cancellation of the Governmental Structure Committee Final Report, regarding term limits. This item has been rescheduled for the next CRC meeting.

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

CRC Chair Hartage announced the cancellation of the Governmental Structure Committee Final Report, regarding the County Administrator. This item has been rescheduled for the next CRC Meeting.

**C. CRC-24-115 Governmental Structure Committee - Write-in Candidate Effect on Timing of
Charter Officer Elections**

CRC Chair Hartage announced the CRC will now consider the Government Structure Committee Final report regarding language in the Charter concerning write-in candidates. He announced if the CRC accepts the final report presented, there will be two public hearings, with the first public hearing occurring later tonight. If the CRC rejects the Committee’s final report the topic will not proceed any further.

Committee Chair de la Portilla provided an overview of the language found in Section 605 of the Charter regarding the effect of write-in candidates. He mentioned there are a total of seven Charter Offices in Orange County, consisting of the County Mayor and six District Commissioners. Committee Chair de la Portilla further elaborated that in Orange County, if there were two eligible candidates vying for office in an election year, the election race would take place during the November general election. However, if there are three qualified candidates running for office the election race would not occur during the November general election but during the August primary. The Committee focused on the effects of write-in candidates during the August primary/November general election. Committee Chair de la Portilla explained there is a provision in the Charter in which write-in candidates can count towards the number of qualified candidates in an election. As a result, a write-in candidate can initiate an election at the August primary; resulting with either a candidate receiving the majority of votes and declared the winner; or the two candidates with the highest number of votes being placed on the November general election ballot. He indicated qualifying candidates secure ballot placement either by collecting signatures or paying the filing fee whereas write-in candidates register at the Supervisor of Elections office and are not required to pay a qualifying fee or collect signatures. The Committee is introducing language to the Charter excluding write-in candidates from the count of qualified candidates as follows:

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.

Discussion ensued regarding if the proposed amendment changes the definition of a qualified candidate. CRC General Counsel Vose contributed to the discussion and indicated that in 2002, the County Attorney's office rendered an opinion that under the current language of the Charter, Section 605, a write-in candidate for a charter office constituted a candidate that had qualified. As a result, write-in candidates would count toward the number of qualified candidates necessary to trigger an election at the August primary. CRC General Counsel Vose indicated the Government Structure Committee proposed charter amendment does not change the state law definition of a "qualified candidate" but rather is proposing a charter amendment in which write-in candidates are not counted towards the number of qualified candidates necessary to initiate an election at the August primary. Furthermore, CRC General Counsel Vose indicated the proposed charter amendment is similar to the regulations outlined in Section 105.051 of the Florida Statutes, which govern the impartial elections of school board members. Discussion ensued regarding providing a space/line on the election ballot for a write-in candidate's name, the impact of write-in candidates on a general election (with historically higher voter turnout) versus the primary election (with generally lower voter turnout), the process of becoming a write-in candidate, the benefits for write-in candidates under the proposed charter amendment.

A motion was made by Member de la Portilla, seconded by Member O'Neal, to accept the Final Report of the Governmental Structure Committee regarding Section 605 of the Charter - Write-In Candidate effect on timing of Charter Officer Elections. The motion carried by the following vote:

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

Absent: 1 - Member Riley

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

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. He began his presentation by stating the significance of including the Affordable Housing Trust Fund into the County Charter due to the necessity of affordable housing. He explained the County has attempted to address the numerous issues related to affordable housing by creating the Housing For All Task Force, which was established by the Mayor; and further, a ten-year action plan launched by the Board of County Commissioners, which included the creation and adoption of the Affordable Housing Trust Fund. He referred to the current affordable housing program that can be found in Orange County Ordinance 2020-09, Sections 2-289 through Section 2-298. The ordinance references the Affordable Housing Program, establishment of the Affordable Housing Trust Fund, the Affordable Housing Trust Plan, and annual budget requirements. Committee Chair Grimmer indicated the Committee feels incorporating the Affordable Housing Trust Fund into the Charter would eliminate the Board of County Commissioners ability to dissolve the trust fund; further, it would place it in the hands of the Orange County residents who would benefit directly; and further, by including a mandatory funding mechanism it would eliminate any doubt about the county commission's obligation to continue funding for the first ten years. He stated Orange County incorporating the Affordable Housing Trust Fund into the Charter is consistent with Broward and Brevard Counties that offer their versions of an affordable/supporting housing trust fund within their County Charters. Committee Chair Grimmer reported that the committee met on August 9, 2023, alongside Mitchell Glasser, the Manager of Orange County Housing Division. During the meeting, Mr. Glasser highlighted the ongoing affordable housing crisis in Orange County, which has persisted since 2005 due to a lack of adequate housing supply. Furthermore, he outlined the County's strategies to address this issue, aiming to create or preserve more than eleven thousand housing units by 2030. However, Mr. Glasser acknowledged that despite the County's funding and efforts outlined in the County's Ordinance, the affordable housing crisis would not be completely resolved in the next ten years. During their deliberations, the committee explored the possibility of incorporating additional elements into the charter proposal to specifically tailor the use of trust fund dollars. The Committee contemplated including a specific definition of affordable housing that specifies a level of area median income the trust fund is dedicated to, or adopting a requirement for inclusionary zoning in which new development allocates a certain number of units for affordable housing. Nevertheless, the Committee ultimately made the decision to include the Affordable Housing Trust Fund within the Charter, along with its mandatory funding. This incorporation allows for staff the flexibility to execute and modify the required strategies for the creation and preservation of affordable housing throughout Orange County. The proposed charter amendment leaves the policy choices, goals, strategies, and budget funding to the expertise of County Staff and the County Commissioners and as such, the Sustainable Growth & Charter Clean Up Committee have recommended the following charter amendment:

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.

CRC Chair Hartage thanked Committee Chair Grimmer for the Committee's report. He added the CRC will either vote to accept the report, or reject the report, and further if accepted by the CRC, the first of two public hearings would occur later tonight.

Discussion ensued regarding state regulations, proposed charter amendment impacting state and local programs such as Live Local Act, Sadowski Act funds, and SHIP (State Housing Initiatives Partnership), affordable housing within urban service area, municipalities electing to participate in funding sources, reason for inclusion into the Charter, affordable housing of rental properties, proposed Charter language in Section 713. - Affordable Housing Trust Fund, Subsection C., inclusion of mandatory or voluntary funding, revenue sources determined by the Board of County Commissioners. CRC General Counsel Vose contributed to the discussion.

Member O'Neal announced for the record he would abstain from voting on this item.

A motion was made by Member Grimmer, seconded by CRC Chair Hartage, to accept the report regarding the Affordable Trust Fund amendment from the Sustainable Growth and Charter Clean Up Committee. The motion carried by the following vote:

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

Absent: 1 - Member Riley

Abstain: 1 - Member O'Neal

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

CRC Chair Hartage opened the first public hearing for consideration of the Government Structure Committee proposed amendment concerning the write-in candidate effect on timing of Charter officer elections. CRC General Counsel Vose contributed to discussion.

The following persons addressed the CRC:

- Bonnie Jackson
- Samuel Vilchez Santiago

Discussion ensued regarding the advantages or disadvantages for write-in candidates, and the benefits of this proposed charter amendment for write-in candidates during the November general election.

A motion was made by Member de la Portilla, seconded by Member O'Neal, to support the write-in candidate effect on the timing of Charter office elections; and further, to amend the Orange County Charter to provide that in elections for Charter offices (currently the County Mayor and the six 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. The motion carried by the following vote:

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

Absent: 1 - Member Riley

- 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

CRC Chair Hartage opened the first public hearing for consideration of the Sustainable Growth & Charter Clean Up proposed amendment requiring the continued existence of an Affordable Housing Trust Fund.

The following persons addressed the CRC:

- Gregg Jones
- Nelson Betancourt
- Samuel Vilchez
- Reed McCoy

CRC Chair Hartage indicated the CRC will either vote to accept or reject the report; and further, if accepted by the CRC, there would be a second public hearing for the proposed amendment requiring the continued existence of an Affordable Housing Trust Fund.

A motion was made by Member Grimmer, seconded by Member Bagga, to approve the Affordable Housing Trust Fund amendment as laid out in:

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.

No vote taken. Discussion ensued.

A motion was made by Member Callan, seconded by Vice Chair Chira, to amend the language to Section 713. - Affordable Housing Trust Fund, Subsection C. Revenue Sources, to read as follows: The Trust Fund shall ~~shall~~ may be funded as directed by the board of county commissioners, and may be comprised of the following sources.

No vote taken. Discussion ensued.

CRC General Counsel Vose contributed to the discussion and pointed out the proposed Charter amendment language structure is similar to the language structure in the Charter provisions of Broward, Brevard, and Alachua County. Discussion ensued.

Member Adamson Profit suggested revising the amended language proposed by Member Callan for Sec. 713. - Affordable Housing Trust Fund, Subsection C. Revenue Sources, to read as follows: The Trust Fund shall ~~may~~ be funded as directed by the board of county commissioners, ~~and~~ It may be comprised of the following sources. Discussion ensued. Member Callan indicated he would be in favor of that change. Member Callan, and Vice Chair Chira withdrew their previous amended motion.

CRC General Counsel Vose contributed to the discussion and suggested the following revision to Member Adamson Profit proposed motion to read as follows: The Trust Fund shall be funded as directed by the board of county commissioners. ~~#~~ The Trust Fund may be comprised of the following sources.

A motion was made by Member Adamson Profit, seconded by Member Callan, to amend the language to Section 713. - Affordable Housing Trust Fund, Subsection C. Revenue Sources, to read as follows: The Trust Fund may be funded as directed by the board of county commissioners. The Trust Fund may be comprised of the following sources. The motion carried by the following vote:

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

Absent: 1 - Member Riley

Abstain: 1 - Member O'Neal

CRC Chair Hartage opened discussion on the primary motion as amended. Member Callan called the question to end discussion. No seconder announced. CRC Chair Hartage announced the motion passed.

Discussion ensued.

A motion was made by Member Grimmer, seconded by Member Bagga, to approve the Affordable Housing Trust Fund amendment of the Final Report from the Sustainable Growth and Charter Clean Up Committee as presented in Exhibit "A"; and further, as amended in Section

713, - Affordable Housing Trust Fund, Subsection C. Revenue sources. The motion carried by the following vote:

Aye: 9 - Member Batchelor, Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Bagga, Member Callan, and Member Stoccardo

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

Absent: 1 - Member Riley

Abstain: 1 - Member O'Neal

- 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

CRC Chair Hartage opened the second and final public hearing to deliberate the proposed amendment by the Government Structure Committee regarding expanding the number of Orange County Commission Districts from six to eight. He explained the CRC can decide whether to approve the Committee's recommended proposed Charter amendment to be placed on the ballot, reject the proposed Charter Amendment, or accept the proposed charter amendment with modifications.

The Clerk's Office announced on the record a correction made to the total vote count for the previous motion concerning the proposed charter amendment for an Affordable Housing Trust Fund by the Sustainable Growth and Charter Clean Up Committee. The revised vote tally is as follows: Nine votes in favor, Four votes against, One absence, and One abstention.

Committee Chair de la Portilla presented a summary of the final report from the Governmental Structure Committee on the proposed Charter amendment increasing the number of Orange County Commission Districts. He mentioned there have been sixteen committee meeting and various topics were discussed. The topics recommended for proposed Charter amendments are expansion of County Commission, County Attorney, and non-partisan elections. Regarding the number of Orange County Commission Districts, Committee Chair de la Portilla provided the history of expansion of the Board of County Commissioners, and noted, that in 1988, Orange County voters approved expanding the Commission from five to six districts, which is where it currently stands now. He quoted the population of Orange County in 1988 was 621,000 versus the current population of 1,500,000; and further, each County Commissioner represents districts with an average population of 250,000 compared to 104,000 in 1988. The estimated costs associated with expanding the commission districts are 2.4 million, as verified by the County Comptroller. Information regarding the County's budget indicated that the general fund revenue was \$116,225,629 in 1988, whereas it has now increased to \$942,445,898. A demographic breakdown of population per district was shown for the biggest counties in Florida (Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, and Pinellas); furthermore, he highlighted that in 1990 there was a total of 4,693 Orange County Board of County Commission job positions today

that number is at 8,145. Committee Chair de la Portilla pointed out the data reveals county government and population growth in Orange County. He also presented an overview of the findings and actions taken by the Governmental Structure Committee and CRC, and provided a timeline of future proceedings if the committee report and final ballot language are approved. He mentioned if approved by the CRC today, the amendment will go on the ballot, and if it passes with the voters in 2025, the county will appoint a Redistricting Advisory Committee. The committee will work with the Supervisors of Elections and County Staff to draft eight new districts based on the population, these new district maps must be approved by the Board of County Commissioners in time for the 2026 elections. He explained two commissioners will be elected in 2026 with one commissioner serving two years and other commissioner serving for four years.

CRC Chair Hartage thanked Committee Chair de la Portilla for the report and cited his reasons for not supporting the proposed charter amendment. Discussion ensued.

The following persons addressed the CRC:

- Former Orange County Commissioner Scott Boyd
- Reed McCoy
- Nelson Betancourt
- Mark Bender
- Chris Messina

A motion was made by Member de la Portilla, seconded by Member Stoccardo, to accept the Government Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026. No vote taken.

Discussion ensued regarding the proposed expansion of commission districts and the duration of service for newly elected commissioners, district representation based upon growth, increase of County revenue based upon tourism or growth, district representation based upon population and not voting age, allowing voters to make decision regarding expansion of county districts.

A motion was made by Member Batchelor, seconded by Member Callan, 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 Wynn, Member Hartage, Member Chira, Member Grimmer, Member Bagga, Member O'Neal, Member Stoccardo, Member Adamson Profit

Absent: 1 - Member Riley

A motion was made by Member de la Portilla, seconded by Member Stoccardo, to accept the Government Structure Committee's recommendation for the expansion of the Board of County Commissioners by two members in 2026. The motion carried by the following vote:

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

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

Absent: 1 - Member Riley

- 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

Committee Chair de la Portilla presented the report of the Government Structure Committee, outlining the history of the County Charter with regards to the establishment of the office of the County Attorney. He mentioned that when the Charter was initially established in 1986, Section 403 clearly outlined the role of the County Attorney and also indicated the County Attorney reported to the Board of County Commissioners. In 1988, an amendment to the Charter was approved, outlining the County's current governmental system (a separately elected county chairman [later county mayor] with executive powers and serving as a member of the County Commission, and six single-member commission districts). However, the implementation of this charter amendment in 1988, led to the removal of Section 403 from the 1986 Charter, thereby eliminating the County Attorney as a charter officer and in its place establishing a division of "legal services" under the supervision of the County Mayor as per Sections 401 and 402. Committee Chair de la Portilla pointed out the exclusion of the County Attorney as a charter officer was not disclosed in the ballot summary provided to voters in the 1988 charter amendment. Therefore, the Committee is recommending the CRC reinstate Section 403 to the Charter as proposed in the following ballot amendment:

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

Committee Chair de la Portilla announced there is no fiscal impact for this proposed charter amendment.

A motion was made by Member de la Portilla, seconded by Member Bagga, to recommend to the voters of Orange County to amend 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 vote taken.

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

Aye: 13 - Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Arias, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member Bagga, Member O'Neal, Member Stocardo, and Member Adamson Profit

Absent: 2 - Member Batchelor, and Member Riley

A motion was made by Member de la Portilla, seconded by Member Bagga, to recommend to the voters of Orange County to amend 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. The motion carried by the following vote:

Aye: 13 - Member Adamson Profit, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Arias, Member Bagga, Member Callan, Member Wynn, Member Stoccardo, Member O'Neal, and Member Winesburgh

Absent: 2 - Member Batchelor, and Member Riley

VIII. Member Comments

Member O'Neal has requested to present a recommendation to the CRC during an upcoming CRC meeting. Discussion ensued. CRC General Counsel Vose contributed to the discussion and informed the CRC that there are three remaining CRC Meetings scheduled on the following dates: May 8, May 20, and May 30, 2024. He clarified that it is no longer possible to submit a Charter proposal to the CRC for consideration. However, he confirmed that Member O'Neal is only requesting to bring forward a recommendation. CRC General Counsel Vose reminded the CRC any recommendations brought forward would need to be included in the final report. Discussion ensued. CRC Chair Hartage proposed that all suggestions from CRC members be incorporated and added to the agenda for an upcoming CRC Meeting, the date of which is yet to be determined.

IX. Adjournment

A motion was made to adjourn. (The maker of the motion and seconder were not announced, no vote was taken).

There being no further business, the CRC adjourned at 9:24 p.m.

Homer Hartage, Chair
2024 Charter Review Commission



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

Charter Cleanup Final Report and Recommendation to the Charter Review Commission

May 1, 2024

Committee Members:

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

Summary of Recommendation

The Sustainable Growth & Charter Cleanup Committee recommends that a Charter Cleanup Amendment not be placed on the 2024 General Election ballot.

However, the Committee recommends that the CRC Final Report include a recommendation to the 2028 CRC that it consider placing a Charter Cleanup Amendment on the 2028 ballot including the substance of the matters set forth in Exhibit "A" if space so allows.

Overview of Committee Process

At its May 15, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") created the Charter Cleanup Committee (later renamed the Sustainable Growth & Charter Cleanup Committee due to its expanded scope) to recommend cleanup revisions to the Charter.

Upon the Committee's review of the Charter, two portions were studied for removal:

- Article VIII/Section 801, creating a Citizen Review Board to investigate citizen complaints against sheriff deputies and to review the Sheriff's internal departmental investigations into those complaints.
- Article IX/Section 901, creating the Orange County/City of Orlando Consolidation of Services Study Commission.

Each was studied for removal for a different reason. The first, Article VIII/Section 801, was found unconstitutional in *Demings v. Orange Cnty. Citizens Review Bd.*, 15 So.3d 604 (Fla. 5th DCA 2009) and found void and ordered stricken from the Charter upon remand to the trial court. However, the version of the Charter as maintained by Municipal Code Corporation (“Municode”) still contained the article and section, with a footnote noting the case.

In contrast, Article IX/Section 901, creating the Orange County/City of Orlando Consolidation of Services Study Commission, is not and has not been found illegal, but all of the duties and activities that the article and section contemplated were concluded back in 2006.

With regard to the article and section that had been found unconstitutional and ordered stricken, the Committee learned that the County Attorney’s office had previously requested Municode to delete the language from its codification back in 2016 during another CRC cycle, but that for whatever reason, Municode did not do so. The Committee requested that the County Attorney’s office renew the request to Municode to avoid having to resort to a charter amendment to do so. After many months, the Committee was advised at its March 1, 2024 meeting that Municode would remove Article VIII/Section 801. As a result, the Orange County Charter as maintained on Municode currently reads “Article VIII – Reserved”, with the entirety of former Section 801 deleted, and a footnote referencing the case finding the former Section 801 unconstitutional.

As to Article IX/Section 901, creating the Orange County/City of Orlando Consolidation of Services Study Commission, General Counsel Vose has advised that while its duties have concluded, it cannot be removed from the Charter without a charter amendment. At its April 24, 2024 meeting, the Committee considered whether to recommend to the full CRC a Charter Cleanup Amendment removing this article and section. However, after discussion, noting that they had accomplished half of their charter cleanup work by other means, the Committee concluded that in light of the number of other potential charter amendments the CRC may place on the ballot, such a narrow charter amendment would not be the best use of ballot space.

Note: The CRC Sustainable Growth and Charter Cleanup Committee has not recommended that the following charter amendment be placed on the 2024 General Election ballot. The language is included as part of the Committee's recommendation that the 2028 CRC revisit the issue, as described above.

Exhibit "A"

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

**ORANGE COUNTY CHARTER CLEANUP
AMENDMENT**

Amending the Orange County Charter to remove provisions relating to the Orange County/City of Orlando Consolidation Study Commission, which concluded its one-time duties in 2006.

_____ 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:

**ARTICLE IX. - ~~RESERVED. ORANGE COUNTY/CITY OF ORLANDO
CONSOLIDATION OF SERVICES STUDY COMMISSION~~**

**~~Sec. 901. Orange County/City of Orlando Consolidation of Services Study
Commission.~~**

~~A. The board of county commissioners ("county") shall appoint five members and the Orlando City Council ("city") shall appoint four members to serve on the Orange County/City of Orlando Consolidation of Services Study Commission. An additional two members may be appointed by majority vote of the Orange County legislative delegation. All members of the Orange County/City of Orlando Consolidation Study Commission shall be electors of the county and shall include a broad base of representation from throughout the community. No elected official shall be appointed as a member of the Orange County/City of Orlando Consolidation Study Commission.~~

~~B. The Orange County/City of Orlando Consolidation Study Commission shall be empowered to conduct a comprehensive study of the consolidation of city/county government services and shall be specifically charged with providing a report to the city and county with specific findings and recommendations regarding efficiencies in service delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues. The Orange County/City of Orlando Consolidation Study~~

~~Commission shall be appointed no later than February 1, of the year after approval of a majority of the electors voting on the question at referendum and shall adjourn sine die no later than 18 months following that election.~~

- ~~C. The Orange County/City of Orlando Consolidation Study Commission shall hold no less than four public hearings prior to presenting its report to the county and city, which report shall be presented no later than September 1 following its adjournment.~~
- ~~D. The Orange County/City of Orlando Consolidation Study Commission shall create and elect appropriate officers, as it deems necessary and proper for the orderly conduct of its specific duties.~~
- ~~E. The county shall pay the reasonable expenses of the Orange County/City of Orlando Consolidation Study Commission. The city shall have the option to provide staff assistance to the consolidation study commission and assist with such expenses.~~
- ~~F. The county may enact an ordinance to adopt the provisions of this section, which shall prevail over any municipal ordinance to the extent of any conflict.~~



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

Wetlands Protection Final Report and Recommendation to the Charter Review Commission

May 1, 2024

Committee Members:

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

Summary of Recommendation

The Sustainable Growth & Charter Cleanup Committee recommends that a charter amendment adding wetlands protection to Section 704.B. of the Charter not be placed on the 2024 General Election ballot, because based on the information gathered by the Committee, the County's preemptive authority concerning wetlands protection already exists.

However, the Committee recommends that the CRC Final Report include a recommendation to the 2028 CRC that it revisit the issue to confirm that the County has in fact been applying its new wetlands protection ordinance within municipalities to the extent provided by Section 704.B.

Overview of Committee Process / Basis for Recommendation

At its January 30, 2024 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (the "Committee") a charter amendment topic proposed by citizen Gabrielle Milch to amend Section 704 of the Charter to provide that when the County ordinances set minimum standards for "protecting wetlands", such County ordinances will prevail over municipal ordinances if they are stricter. Initial language was prepared for this charter amendment and is attached as Exhibit "A".

At its February 16, 2024 meeting, the Committee received a presentation from Elizabeth "Liz" Johnson, Assistant Manager, Environmental Protection Division concerning the County's wetlands protection program, recent comprehensive revisions to the County's wetlands protection ordinance, and the County's history of application of its wetlands

protection ordinances within municipalities. That same day, Tanya Wilson, Director of the Planning, Environmental, and Development Services Department, provided the Committee with a memo addressing a potential wetlands protection amendment. (copy attached as Exhibit “B”).

In both the presentation and staff memo, County staff advised the Committee that the County has long interpreted the existing language of Section 704.B. to encompass wetlands protection regulations. Specifically, the staff memo advised the Committee as follows:

Section 704.B.1 currently reads “County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when “The county sets minimum standards for **protecting the environment by prohibiting or regulating air or water pollution**, ... but only to the extent that such minimum standards are stricter than the applicable municipal standards.” (Emphasis added.) Currently many of the articles within Chapter 15 (Environmental Control), Orange County Code are compared against applicable municipal regulations to determine compliance with this Charter provision (Article III, Air Quality Control; Article VI, Pumping and Dredging Control; Article VII, Lakeshore Protection; Article IX, Dock Construction; Article X, Wetland Conservation Areas; and Article XV, Boat Ramps).

Most recently, Chapter 15, Article X, Orange County Code was updated to develop new or improved wetland and surface water protection standards. These new standards become effective June 1, 2024. All municipalities within the county were engaged as stakeholders in that process. The Environmental Protection Division is working to determine whether each municipality is meeting or has a plan to meet these new standards before June 1.

The Committee discussed the County’s new wetland protection standards becoming effective June 1, 2024, as compared to the County’s longstanding standards. In the context of applying the County’s prior standards, the general message was that, at least with respect to one important example, the City of Orlando, the County had not previously applied its wetlands protection standards within the City because the County’s then present standards were not more strict than the City’s. This matter was discussed in a 2010 memo from the County Attorney’s office (copy attached as Exhibit “C”), in which the office engaged in an evaluation of the County’s and City’s wetlands protection regulations under the preemption provisions of Section 704.B.

As indicated in the staff memo and discussed at the Committee’s February 16, 2024 meeting, the County’s new wetland protection standards are substantially stricter than the prior standards, and County EPD intends to apply the stricter standards within municipalities. Staff further noted that Section 15-363(c) of the County’s new wetlands

protection ordinance makes specific reference to the exercise of the County's relevant authority under the Charter, stating as follows:

Orange County shall assert jurisdiction in, on, over and under wetlands and surface waters within the county and will regulate activities that affect these natural resources pursuant to this article and consistent with the comprehensive plan and **Orange County Charter.**" (Emphasis added in staff memo.)

County staff further expressed concern that to add "protecting wetlands" to the list of preempted municipal regulation subjects would be not only redundant, but that it could inadvertently support a narrower reading of the existing "protecting the environment by prohibiting or regulating air or water pollution" language that is currently maintained to encompass other topics under Chapter 15 (Environmental Control) of the Orange County Code, including boat docks and boat ramps.

After this meeting, General Counsel Vose communicated with the County Attorney's office and confirmed it is still the office's legal interpretation that the existing "protecting the environment by prohibiting or regulating air or water pollution" language of Section 703.B. encompasses wetlands protection. Further, General Counsel Vose later advised the Committee that the preemption language added to SB 1420 (2024) could preempt the CRC from placing the contemplated amendment on the ballot, as the amendment could be interpreted to preempt municipal land development regulations, as wetlands regulations are sometimes categorized.

Based on this information, at its April 24, 2024 meeting, the Committee voted to recommend that a charter amendment adding wetlands protection to Section 704.B. not be placed on the 2024 General Election ballot, because based on the information gathered by the Committee, the County's preemptive authority concerning wetlands protection already exists. The Committee further voted to recommend that the CRC Final Report include a recommendation to the 2028 CRC that it revisit the issue to confirm that the County has in fact been applying its new wetlands protection ordinance within municipalities to the extent provided by Section 704.B.

Note: The CRC Sustainable Growth and Charter Cleanup Committee has not recommended that the following charter amendment be placed on the 2024 General Election ballot. The language is included for historical purposes, and in support of the Committee’s recommendation that the 2028 CRC revisit the issue, as described above.

Exhibit “A”

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

**EFFECT OF COUNTY ORDINANCES
PROTECTING WETLANDS WITHIN
MUNICIPALITIES**

Amending the County Charter to provide that when the County sets minimum standards for protecting wetlands, such County ordinances shall be effective within municipalities and prevail over municipal ordinances when the County’s minimum standards for protecting wetlands are stricter.

_____ 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. 704. Conflict of county ordinances with municipal ordinances; preemption.

- A. Except as provided in this section, no county ordinance shall be effective within a municipality if the municipality maintains an ordinance covering the same subject matter, activity or conduct as the county ordinance.
- B. County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when:
 - 1. The county sets minimum standards for (a) regulating adult entertainment, and (b) protecting the environment by prohibiting or regulating air or water pollution, and (c) protecting wetlands, and (~~d~~e) prohibiting or regulating simulated gambling or gambling, but only to the extent that such minimum standards are stricter than the applicable municipal standards.

...

- C. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult-entertainment standards, or pollution regulatory standards, or wetlands protection standards, simulated gambling or gambling prohibitions or standards, or rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary. In absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.

Exhibit "B"



Interoffice Memorandum

February 15, 2024

TO: Eric Grimer, Sustainable Growth & Charter Clean Up Committee
Chair, 2024 Orange County Charter Review Committee
-AND-
2024 Charter Review Committee Members

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

SUBJECT: February 16, 2024, Sustainable Growth and Charter Clean Up
Committee Meeting

On June 15, 2023, the Orange County Charter Review Commission (CRC) submitted proposals to the Sustainable Growth and Charter Cleanup Committee (Committee) relating to affordable housing and the protection of wetlands. The following provides a summary of each proposal and information for consideration at the Committee's upcoming February 16, 2024, meeting.

AFFORDABLE HOUSING TRUST FUND AMENDMENT

The Orange County Board of County Commissioners ("BCC") accepted the Housing for All 10-Year Action Plan in December of 2019. The Housing for All Action Plan focuses on reducing regulatory barriers, leveraging new financial resources, targeting areas of transit access and employment opportunities, and engaging the community and industry in addressing the housing challenges of the region. The strategies detailed in the Action Plan are intended to increase and diversify the existing housing stock in Orange County and make housing more affordable. The establishment of the Housing Trust Fund, a substantial recommendation of the 10-Year Action Plan, is intended to incentivize the construction and preservation of affordable and attainable housing, encourage Missing Middle housing types, and meet other housing needs identified by the 10-Year Action Plan. As an implementing tool of the Housing for All 10-Year Action Plan, the local Housing Trust Fund will move the County closer to realizing the following Housing for All goals:

- Create new housing units;
- Diversify the County's housing stock;
- Preserve existing affordable units;
- Integrate social capital and economic development; and

- Educate potential homeowners and renters.

As a direct result of the Housing Trust Fund, it is projected that a minimum of 6,500 certified affordable units will be produced or preserved in Orange County by 2030. By leveraging local Trust Fund dollars with other state and federal resources, the greater Housing for All goal of creating or preserving 11,300 affordable units by 2030 can be achieved. These policies and strategies may also assist in the development of mixed-income housing developments, thus assisting in the production of attainable (commonly known as “workforce housing”) units.

On March 24, 2020, the BCC unanimously adopted Ordinance No. 2020-09 and established the Affordable Housing Trust Fund Program (“Program”) and the Affordable Housing Trust Fund (“Trust Fund”). For the purposes of implementing the Program and providing assistance through the Trust Fund. The ordinance also provided a framework for the annual budget requirements of the Trust Fund, administration of the Program, and adoption of the Affordable Housing Trust Fund Plan.

As recommended by the Housing for All 10-Year Action Plan and defined in the ordinance, the Housing Trust Fund is established for the purpose of creating and preserving affordable rental and ownership housing for very-low-income (30-50% AMI), low-income (50-80% AMI), and moderate-income (80- 120% AMI) persons and households in Orange County. The Trust Fund may also support the development of mixed-income housing for middle-income persons and households (up to 120% AMI) in Orange County. Additionally, Trust Fund assistance may support shared costs where affordable units are mixed with attainable and market-rate units and there is a benefit to the affordable units.

Proposed Charter Amendment Language

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.

Staff Comments for Committee

The Charter Amendment is attempting to ensure the Affordable Housing Trust Fund continues in perpetuity. The proposed language is essentially similar to the language found under Chapter 2, Article III of the Orange County Code of Ordinances. However, the proposed charter language proffered under Section 713 (C)(4) allowing “Mandatory or voluntary payments including but not limited to fees from new commercial and residential development” may require additional studies to justify the fee amounts. Also adding this item to the Charter Amendment may cause concern and inadvertently deter development amongst some industry groups.

It should be noted that Chapter 2, Article III, Section 2-296 of the Orange County Code allows for an annual budget allocation of \$10,000,000 from the general fund for the Affordable Housing Trust Fund program. Additionally, each fiscal year “this amount shall increase by 10% over the immediately preceding fiscal year budgeted amount. The Board in its discretion may decide to change the amount of any such annual budgeted

amounts". As such, the Committee should consider including this annual increase as part of the proposed charter language under Section 713 (C) – Revenue Sources and maintain language that affords the board discretion to change that amount should market conditions become unfavorable.

The other item that would need to be clarified in any implementation ordinance is C-3 which allows for "...*donation of money, property or any other thing of value made to the trust fund*". This language is very broad and somewhat ambiguous. We would need to add in a future ordinance subject to the review and acceptance by the BCC to clarify and define what exactly those "any other thing of value" would be.

WETLANDS PROTECTION AMENDMENT

Section 704.B.1 currently reads "County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when "The county sets minimum standards for **protecting the environment by prohibiting or regulating air or water pollution**, ... but only to the extent that such minimum standards are stricter than the applicable municipal standards." (Emphasis added.) Currently many of the articles within Chapter 15 (Environmental Control), Orange County Code are compared against applicable municipal regulations to determine compliance with this Charter provision (Article III, Air Quality Control; Article VI, Pumping and Dredging Control; Article VII, Lakeshore Protection; Article IX, Dock Construction; Article X, Wetland Conservation Areas; and Article XV, Boat Ramps).

Most recently, Chapter 15, Article X, Orange County Code was updated to develop new or improved wetland and surface water protection standards. These new standards become effective June 1, 2024. All municipalities within the county were engaged as stakeholders in that process. The Environmental Protection Division is working to determine whether each municipality is meeting or has a plan to meet these new standards before June 1.

Proposed Charter Amendment Language

Sec. 704. Conflict of county ordinances with municipal ordinances; preemption.

A. Except as provided in this section, no county ordinance shall be effective within a municipality if the municipality maintains an ordinance covering the same subject matter, activity or conduct as the county ordinance.

B. County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when:

1. The county sets minimum standards for (a) regulating adult entertainment, and (b) protecting the environment by prohibiting or regulating air or water pollution, and (c) protecting wetlands, and (d)e prohibiting or regulating simulated gambling or gambling, but only to the extent that such minimum standards are stricter than the applicable municipal standards.

...

C. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult entertainment standards, or pollution regulatory standards, or wetlands protection standards, simulated gambling or gambling prohibitions or standards, or rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary.

In absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.

Staff Comments for Committee

Since Section 704.B.1. of the Charter already allows for the new wetland code to prevail over a municipal code for the protection of the environment/water, the insertion of a particular reference to “wetland protection” seems redundant. Furthermore, newly adopted Section 15-363(c) (the Purpose section of Article X) shall read: “Orange County shall assert jurisdiction in, on, over and under wetlands and surface waters within the county and will regulate activities that affect these natural resources pursuant to this article and consistent with the comprehensive plan and **Orange County Charter.**” (Emphasis added.)

In evaluating the topic by the Charter Subcommittee, consideration should be given to guard against whether the specific expression of “wetlands” could create an opportunity for a new interpretation related to other articles within the Environmental Control chapter that would not be specifically referenced in the Charter provision (i.e., boat docks, boat ramps). Staff is also concerned about the potential impacts to staffing that will be triggered by the new oversight, monitoring, permitting and enforcement. There should be clarification on which entity is intended to do the actual permitting – i.e. the municipality or the County. There should also be clarification on what the definition of “wetlands protections” entails i.e. Dock permits, boat ramps, lakeshore clearing, or wetland impacts?

Cc: Homer Hartage, Chair, 2024 Orange County Charter Review Committee
Lee Shira, Vice Chair, 2024 Orange County Charter Review Committee
Byron W. Brooks, AICP, County Administrator



COUNTY ATTORNEY'S OFFICE
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Exhibit "C"

MEMORANDUM

Deputy County Attorney
 Joel D. Prinsell

Senior Assistant County Attorneys
 Robert D. Guthrie
 Edward M. Chew

Assistant County Attorneys
 Roberta Alfonso
 David J. Bass
 Linda Brehmer Lanosa
 Henry Brown

Dana Crosby
 P. Andrea DeLoach
 George L. Dorsett
 Whitney E. Evers
 Wanzo Galloway, Jr.
 Tamara L. Gappen
 Tara L. Gould
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 Peter A. Lichtman
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 Lila I. McHenry
 Vivien J. Monaco
 Lynn P. Porter-Carlton
 William Turner

Legal Administrative Supervisor
 Anna M. Caban

Sr. Paralegal
 John P. Dougherty

Paralegals
 Kimberly Cundiff
 Cathy Saravanja, CP
 Maria Vargas, ACP

TO: Lori Cunniff, Manager, Environmental Protection Department

THROUGH: Thomas B. Drage, Jr., County Attorney *TBD*

FROM: David J. Bass, Assistant County Attorney *(initials)*

DATE: May 7, 2010

RE: Orange County Regulation of Wetlands in the City of Orlando

INTRODUCTION

This memorandum addresses the issue of whether Orange County is required by the Orange County Charter to impose its wetlands protection ordinance within the municipal boundaries of the City of Orlando. In accordance with §704 of the Orange County Charter, the answer depends on whether the County's wetland protection ordinance is stricter than the City's (or, conversely, if the City's ordinance is no less strict than the County's). A review of the applicable City of Orlando and Orange County ordinances, as currently written, leads to the conclusion that the City's ordinance is no less strict than the County's, and the County would not be able to impose its wetlands regulations within the municipal boundary of the City of Orlando. The following discussion provides the analysis that was performed to make this conclusion.

DISCUSSION

Section 704(B) of the Orange County Charter states "County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when....the county sets minimum standards for....protecting the environment by prohibiting or regulating air or water pollution, but only to the extent that such minimum standards are stricter than the applicable municipal standards."

The City of Orlando's wetlands protection ordinance is found in §63.290 of the City's Code. Additional wetlands regulations are found in the Conservation Element of the City's Growth Management Plan (GMP). Orange County's wetland regulations are detailed in Chapter 15, Article X of the Orange County Code.

The County's code uses the term "conservation area" synonymously with wetland, and classifies wetlands into three distinct categories: (1) Class I conservation areas, (2) Class II conservation areas, and (3) Class III conservation areas. The City's GMP also uses a three-tiered system, whereby wetlands fall into three categories: (1) Tier One (Protected Wetlands), (2) Tier Two, and (3) Tier Three.

The relevant portions of the City's "Tier One" wetland and the County's "Class I Conservation Area" (both of which are generally considered wetlands of high quality) have similar language and protection:

County: *"The removal, alteration or encroachment within a Class I conservation area shall only be allowed in cases where no other feasible or practical alternatives exist that will permit a reasonable use of the land or where there is an overriding public benefit."* Additional language includes: *When encroachment, alteration or removal of Class I conservation areas is permitted, habitat compensation or mitigation as a condition of development approval shall be required."* §15-419(1)a Orange County Code.

City: *"The removal, alteration, or encroachment within an area designated as a Protected Wetland [Tier One Wetland] shall only be allowed where the applicant is able to demonstrate that there is no practical alternative which reduces or avoids the adverse impact to the wetland."* Additional language includes: *"When wetland impacts are permitted, mitigation above and beyond that required by other regulatory agencies shall be required."* City of Orlando Conservation Element Policy 1.4.4.

The City of Orlando Code §63.290, *et seq* categorizes wetlands into Protected Wetlands, Transitional Wetlands, and Altered Wetlands. Furthermore, §63.293 of the City Code states that all (100%) of Protected Wetlands shall be retained, and that *"...no dredging, filling, grading, excavation or development shall be permitted in retained wetlands."* This implies that Protected (Tier One) Wetlands cannot be impacted at all.

For the City's "Tier Two" wetland and the County's "Class II Conservation Area":

County: *"Mitigation for Class II conservation areas should be presumed to be allowed unless habitat compensation is contrary to the public interest."* §15-419(1)b Orange County Code.

City: *"The City of Orlando shall protect these [Tier Two] environmentally sensitive lands consistent with the applicable environmental regulatory agencies' permitting requirements."* City of Orlando Conservation Element Policy 1.4.4.

For the City's "Tier Three" wetland and the County's "Class III Conservation Area":

County: *"Mitigation shall be allowed for Class III conservation areas in all cases."* §15-419(1)c Orange County Code; Note: Class III conservation areas by the County's standard are isolated wetlands less than 5.0 acres which do not otherwise qualify as Class I or Class II conservation areas. §15-364(c) Orange County Code.

City: *"For wetlands less than 0.5 acres in size...the City shall consider whether the wetlands contain Endangered or Threatened Species, or Species of Special Concern, or are of special significance. If any of these conditions are met, the City may notify the appropriate Water Management District and request that they regulate impacts to these wetlands under their discretionary jurisdiction."* City of Orlando Conservation Element Policy 1.4.4; Note: Tier Three wetlands, as defined by the City, are those that are less than 0.5 acres in size. City of Orlando Conservation Element Policy 1.4.4.

The City's GMP Conservation Element has a special wetlands protection clause for Orlando International Airport (OIA) property, which says that a permit from the applicable state or federal agency on OIA property *"...shall be sufficient to demonstrate compliance with the City's wetland regulations."* The County has previously taken the position with other municipalities (Oakland and Eatonville) that if "the applicable municipal standards" were identical to applicable water management district (WMD) or Florida Department of Environmental Protection (FDEP) wetlands regulations, they would be deemed to be at least as strict as the County's wetland ordinance, and that the County would not impose its wetlands regulations within those jurisdictions. Therefore, for properties located within OIA property, the County would not be able to impose its wetlands jurisdiction.

Thus, the wetlands protection language for both the City and County show essentially the same protection for both Tier One/Class I and Tier Two/Class II wetlands. In fact the City's are arguably more protective. For Tier Three/Class III, the protection standards are essentially the same with the possible exception of small (less than 0.5 acres) wetlands within the City which have no "Endangered or Threatened Species, Species of Special Concern, or are of special significance." If these small wetlands do exhibit one of these characteristics, the City may have the WMD regulate. If they do not, then the City (or the WMD) may opt to not require mitigation. The County might require mitigation for small, isolated wetlands less than 0.5 acres in size, even in the absence of one of these factors. However, in reviewing the entire range of wetlands protection standards for both the City and County for all classes of wetlands, the protection standards are of essentially equal strength.

With respect to wetland buffers, the §63.294 of the City Code mandates a minimum 100-foot buffer (setback) from a "protected" wetland and a 50-foot setback

from other "retained" wetlands (transitional or altered). In contrast, the City's GMP Conservation Element (Policy 1.4.5) requires a 50-foot buffer for Protected Wetlands, and a minimum 15-foot, average 25-foot buffer for Preserved (retained) Wetlands. The County Code has no specific mentions of buffers, except in the Econlockhatchee River Protection area, where minimum 25-foot, average 50-foot buffers are required for Class I and II conservation areas. On the whole, the wetland buffers for the City are no less strict than the County's.

CONCLUSION

This analysis of wetlands standards of both the City of Orlando and Orange County demonstrates that the City's regulations are no less strict than the County's. Therefore, §704 of the Orange County Charter does not allow County imposition of its wetlands ordinances within the City of Orlando.

cc: Joel Prinsell, Deputy County Attorney
Tara Gould, Assistant County Attorney
John Lowndes, Assistant County Attorney

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2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

Revised Rural Boundary Amendment Final Report and Recommendation to the Charter Review Commission

May 1, 2024

Committee Members:

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

Summary of Revised Recommendation

The Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended revised Rural Boundary Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview of Revised Charter Amendment

The proposed revised Rural Boundary Amendment at Exhibit "A" establishes a Rural Area, which consists of unincorporated lands located outside the Urban Service Area, municipal joint planning areas, Growth Centers, Innovation Way Overlay, and Horizon West Villages on the effective date. Within the Rural Area, 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.

In contrast to the original Rural Boundary Amendment proposal, the revised proposed charter amendment does not preempt municipal authority to regulate land use if a municipality annexes property within the Rural Area, in contrast to provisions in the Seminole County and Alachua County Charters upon which the Committee's original proposal was based. The revised proposal maintains similarity with provisions of the Sarasota County Charter, which impose supermajority voting requirements to increase density or intensity in specified geographic areas.

In further contrast to the original Rural Boundary Amendment proposal, the revised amendment's definition of the Rural Area excludes all municipal joint planning areas, and the "Growth Centers," "Innovation Way Overlay," and "Horizon West Villages" specified

in the County's comprehensive plan. All of the areas excluded from the proposed Rural Area are depicted on a GIS exported map provided by County planning staff, attached as Exhibit "C".

Finally, the revised proposed charter amendment lowers the County Commission vote threshold from 80% (6 out of 7 Commissioners) to majority-plus-one (5 out of 7 Commissioners).

Overview of Further Committee Process

At the February 19, 2024 meeting of the 2024 Orange County Charter Review Commission ("CRC"), the Sustainable Growth & Charter Cleanup Committee presented its final report and recommendation relating to the Committee's Rural Boundary Amendment, recommending the placement of the proposed amendment on the 2024 General Election ballot. After public comment and discussion, the CRC returned the Rural Boundary topic to the Committee for further review, including review related to municipal joint planning areas, other issues related to municipalities, and consideration of an east and/or west rural boundary.

At the February 19, 2024 CRC meeting, representatives from a number of west Orange County municipalities expressed concerns that they would be negatively affected by the initially recommended version of the Rural Boundary Amendment, because portions of the proposed Rural Area encompassed lands lying within joint planning areas established in Joint Planning Agreements between the County and the municipalities. Among the concerns, some representatives noted that some of the municipalities had made water and wastewater infrastructure investments in the joint planning areas in contemplation of the areas' eventual annexation, and that their inclusion could pose concerns relating to issued bonds.

In addition, prior to the February 19, 2024 CRC meeting, County planning staff issued a memorandum to the CRC in which it suggested that certain areas of the County, although they lie within the "Rural Service Area" as defined in the Orange County comprehensive plan, may nevertheless be inappropriate to include in a charter-designated "Rural Area". These areas were the "Growth Centers", "Innovation Way Overlay", and "Horizon West Villages", each as specified in the Orange County comprehensive plan.

In light of these expressed concerns, at the Committee's March 1, 2024 meeting, the Committee spoke at length with Olan Hill, Assistant Manager, Orange County Planning Division, and Misty Mills, Senior Planner, concerning the boundaries, history, and characteristics of the County's municipal joint planning agreements/areas, Growth Centers, Innovation Way, and Horizon West. With respect to the County's municipal joint planning agreements, the Committee generally learned that within the contemplated joint planning areas, municipal annexation also contemplated municipal future land use changes consistent with a negotiated conversion table, facilitating orderly growth. As to Growth Centers, Innovation Way, and Horizon West, County staff discussed the unique urban characteristics of these areas under the County's comprehensive plan. At that

meeting, the Committee requested that General Counsel Vose review the information provided and prepare a revised draft of the Rural Boundary Amendment excluding the areas discussed from the Rural Area.

After that meeting, the Committee and the full CRC became aware of a Florida Senate floor amendment to SB 1420 (2024)¹ introduced on February 28, 2024 (the date of the bill's final passage by the Senate) which added a new Section 1 to the bill, to read 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.

As was discussed at the March 18, 2024 full CRC meeting, and later at the Committee's March 25, 2024 meeting, General Counsel Vose advised that while the wording of the provision is not the clearest, floor debate on the amendment provided an indication that the legislative intent of the amendment was to preempt certain charter amendment inquiries of the Orange County Charter Review Commission.

At its March 25, 2024 meeting, the Committee requested that General Counsel Vose attempt the preparation of another revised draft of the Rural Boundary Amendment that subjected the charter amendment to a requirement that it be approved by the Board of County Commissioners, in an attempt to draft around the restriction of SB 1420. As a result of this request, a total of two revised drafts were prepared, one excluding the municipal joint planning areas and other areas discussed with County planning staff, and a second with otherwise the same substance, but containing the following modified effective date provision:

D. Notwithstanding the last sentence of Section 702.A. of this Charter, this charter amendment is subject to the requirement that it be approved by the board of county commissioners before it shall become effective. This charter amendment shall become effective upon the date the board of county commissioners approves this charter amendment by resolution.

¹ SB 1420 was passed by the Florida House on March 6, 2024. To date the bill has not yet been presented to the Governor. There appears to be no hard deadline by which a bill must be presented to the Governor, although the general practice appears to be to present it no later than would be necessary to be consistent with its effective date. The effective date for most of SB 1420 is July 1, 2024. The Governor will have 15 days after presentation of the bill to sign it, veto it, or allow it to become law without his signature. Because SB 1420 is the Department of Commerce "train bill," containing a variety of otherwise uncontroversial but necessary statutory changes important to that department and others, the Committee proceeded under the assumption that it will become law.

Section 702 of the Charter concerns the Charter Review Commission. Note that “the last sentence of Section 702.A. of this Charter” referenced above reads “Such amendments or revisions do not require the approval of the board.” This second revised draft also included a modified ballot summary to reflect that the amendment would be “Effective upon approval of the County Commission”.

General Counsel Vose cautioned the Committee that such a provision is without evident similar precedent anywhere in the state, drafted to address a unique circumstance, and thus may pose a potential line of attack that should be considered when evaluating charter amendment options.

At its April 5, 2024 meeting, the Committee discussed the 80% County Commission vote threshold in its original Rural Boundary Amendment proposal. Generally, concerns were expressed that such a high threshold may hamper support for the proposal. As a result, the Committee requested that General Counsel Vose prepare further revised drafts of both versions of the charter amendment to substitute a “majority-plus-one” County Commission vote threshold.

At its April 24, 2024 meeting, the Committee discussed various options, including recommending that to the CRC that the CRC place the “SB 1420 workaround” version of revised Rural Boundary Amendment directly on the ballot, and recommending that the CRC that the CRC recommend to the Board of County Commissioners that the BCC place on the ballot the revised Rural Boundary Amendment without the SB 1420 workaround language.

At its April 26, 2024 meeting, the Committee further discussed potential options, and ultimately modified the revised Rural Boundary Amendment to remove all language that SB 1420 preempts the CRC (but not the BCC) from placing on the ballot. After this language was prepared, the Committee, by a 4-0 vote, recommended the placement of the revised Rural Boundary Amendment attached as Exhibit “A” on the November 2024 ballot. At the Committee’s direction, the Committee’s version of the revised Rural Boundary Amendment prior to removal of the language preempted to the CRC by SB 1420 is also attached as Exhibit “B” for historical purposes.

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 are 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.

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.

_____ 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. 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, the comprehensive plan and land development regulations of Orange County shall exclusively govern the development of lands lying within the Rural Area, regardless of whether some or all of the lands lying within the Rural

Area are subsequently annexed or otherwise added into a municipality.

(2) 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. The board of county commissioners may enact ordinances to implement this section. This section and any implementing county ordinances shall prevail over conflicting municipal ordinances.

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

...

Sec. 704. Conflict of county ordinances with municipal ordinances; preemption.

A. Except as provided in this section, no county ordinance shall be effective within a municipality if the municipality maintains an ordinance covering the same subject matter, activity or conduct as the county ordinance.

B. County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when:

...

3. Section 506 of this Charter so provides.

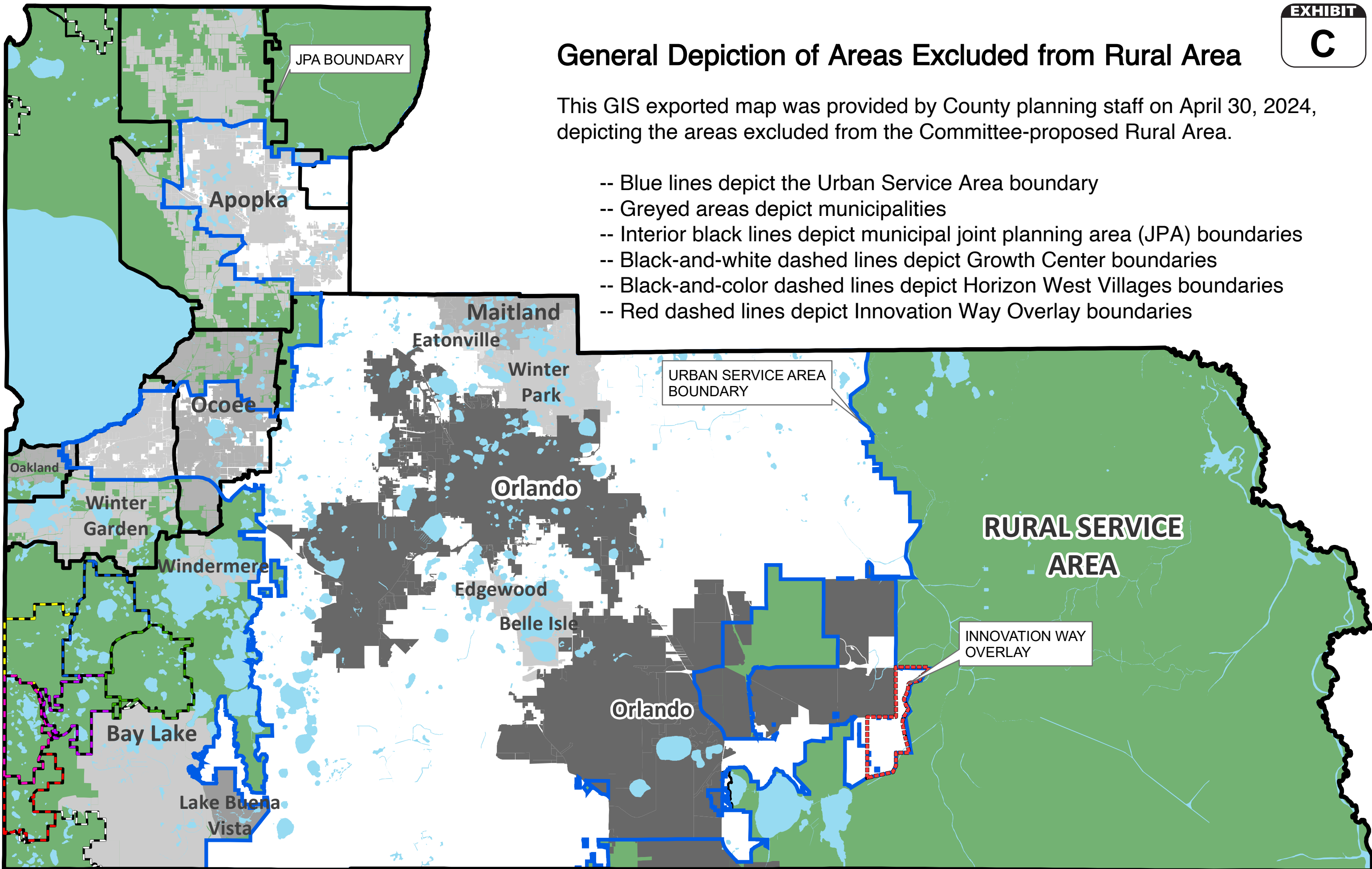
C. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult-entertainment standards, or pollution regulatory standards, or simulated gambling or gambling prohibitions or standards, or rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary, or as provided in Section 506 of this Charter. In absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.



General Depiction of Areas Excluded from Rural Area

This GIS exported map was provided by County planning staff on April 30, 2024, depicting the areas excluded from the Committee-proposed Rural Area.

- Blue lines depict the Urban Service Area boundary
- Greyed areas depict municipalities
- Interior black lines depict municipal joint planning area (JPA) boundaries
- Black-and-white dashed lines depict Growth Center boundaries
- Black-and-color dashed lines depict Horizon West Villages boundaries
- Red dashed lines depict Innovation Way Overlay boundaries





OFFICE OF COMPTROLLER

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DATE: May 13, 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 Rural Boundary 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 Rural Boundary 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.

Rural Boundary 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.



 **VOSE LAW FIRM** LLP
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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: May 13, 2024
**SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Rural
Boundary 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 Rural Boundary charter amendment. The language added to the ballot summary is as follows: “Comptroller estimated financial impact: 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 Sustainable Growth and Charter Cleanup Committee.

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. Comptroller estimated financial impact: 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. 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.



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

County Protected Lands Amendment Final Report and Recommendation to the Charter Review Commission

May 1, 2024

Committee Members:

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

Summary of Recommendation

The Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended County Protected Lands Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview of Charter Amendment

The proposed charter amendment defines "County Protected Lands" as County owned, operated, or maintained public parks and recreation areas, and environmentally sensitive lands acquired by the County for environmental, ecological, or recreational purposes, and then requires that any County Commission action authorizing the disposition of County Protected Lands, or the change of County Protected Lands to another use, must be approved by a majority-plus-one County Commission vote.

As a result of what the Committee learned from County staff about the variety of ways the County may hold interests in such land, the language of the proposed charter amendment clarifies that references to ownership or acquisition encompass any interest in real property, whether by conveyance, dedication, grant of easement, or otherwise, and whether held solely, or in common with others.

Overview of Committee Process

At its February 19, 2024 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (the "Committee") a charter amendment topic proposed by citizen Valerie Anderson, initially

framed as a proposal requiring that Orange County owned conservation land and parks may only be used for the purpose for which they were originally acquired.

The Committee thereafter held multiple meetings at which it spoke with County staff from both the Parks and Recreation Division and Environmental Protection Division to learn more about existing processes relating to the acquisition, maintenance, and disposition of both County parks and recreation areas and preservation lands.

At its March 25, 2024 meeting, the Committee spoke with Kyle Kent, Assistant Manager, and Regina Ramos, Project Manager, with the Parks and Recreation Division, who discussed common instances in which County parks and recreation land may be converted to some other use, and how those decisions are typically undertaken. In this vein, the Committee came to learn that Policy R1.1.4 of the Orange County Comprehensive Plan provides the following:

R.1.1.4 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 the same meeting, the Committee also discussed a provision of the Pinellas County Charter that designates a list of County-owned environmental lands, and then imposes a countywide referendum requirement to authorize the sale or long-term lease of such lands.

At its April 24, 2024 meeting, the Committee spoke with Environmental Protection Division Assistant Manager Elizabeth “Liz” Johnson, and Environmental Programs Administrator Beth Jackson, concerning the County’s Green PLACE program, and the County’s acquisition of environmentally sensitive lands. The Committee received an overview of the program and its acquisitions thus far, and was briefed on the variety of different arrangements under which the County may own environmentally sensitive lands, whether solely, or in common with other partners, such as the St. Johns River Water Management District. The Committee was also advised of Section 11.07.01 of the County’s Administrative Regulations, which relate to the County’s acquisition of environmentally sensitive lands. One of the conclusions of that discussion was that there are presently no unique requirements imposed on the County’s disposal of County-owned environmentally sensitive lands.

At the same meeting, the Committee generally moved away from consideration of the Pinellas County Charter countywide referendum model, and directed counsel to prepare a charter amendment based on draft language suggested by Member Stoccardo, which was in turn based on the language of Policy R1.1.4 of the Orange County Comprehensive Plan.

At its April 24, 2024 meeting, reviewed and revised the prepared charter amendment language, and by a 4-0 vote recommended the placement of the County Protected Lands Amendment attached as Exhibit "A" on the November 2024 ballot.

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.



OFFICE OF COMPTROLLER

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Fax: (407) 836-5599
Web page: www.occompt.com

DATE: May 13, 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 Disposition of County Protected Lands 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 Charter Amendment amending the approval process for disposing of County protected lands. 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.

Disposal of County Protected Lands 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.





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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: May 13, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – County Protected Lands 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 County Protected Lands charter amendment. 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 Sustainable Growth and Charter Cleanup Committee.

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. 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. – 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.



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Sustainable Growth & Charter Cleanup Committee

Fiscal Sustainability Analysis Amendment Final Report and Recommendation to the Charter Review Commission

May 1, 2024

Committee Members:

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

Summary of Recommendation

The Sustainable Growth & Charter Cleanup Committee recommends that the CRC place the Committee's recommended Fiscal Sustainability Analysis Amendment (attached as Exhibit "A") on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview of Charter Amendment

The proposed charter amendment requires 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 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.

Overview of Committee Process

At its January 30, 2024 meeting, the 2024 Orange County Charter Review Commission ("CRC") referred to the Sustainable Growth & Charter Cleanup Committee (the "Committee") a charter amendment topic proposed by Member O'Neal, initially framed as a proposal requiring a financial analysis for requests for development orders and amendments to the County comprehensive plan.

At its March 25, 2024 and April 5, 2024 meetings, the Committee discussed the proposal, with a particular focus on Policy FLU1.2.8 of the Orange County Comprehensive Plan, adopted in May 2013, which reads as follows:

FLU1.2.8 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.

The Committee was advised that Commissioner Bonilla has expressed deep concerns that this comprehensive plan policy has not been implemented in the 11 years since its adoption.

Member O'Neal provided initial draft charter amendment language based on the aforementioned comprehensive plan policy, and the Committee requested that General Counsel Vose prepare formal ballot and charter language for the Committee's review.

The draft charter language omits one sentence of Policy FLU1.2.8 that appears to direct the County to include certain types of policies in the Future Land Use and Capital Improvements elements of the County's Comprehensive Plan, in order to avoid conflict with statutory provisions prohibiting referenda requiring amendments to a comprehensive plan.

At the Committee's direction, the draft charter language replaced most references to "tool" with the phrase "methodology and process", and also added a deadline by which the County must accomplish the development of the methodology and process. The draft charter language also includes language clarifying that the County may amend the methodology and process after adoption.

At its April 24, 2024 meeting, the Committee spoke with two representatives of the Orange County Planning Division: Olan Hill, Assistant Manager of the Division, and Jason Cheberenchick. Planning staff advised that the County was actively pursuing implementation of Policy FLU1.2.8 and the development of a fiscal sustainability analysis tool. In the course of the conversation, planning staff advised that, in general, present practice is to evaluate the infrastructure needs of new development over a 5-year planning horizon, in order to evaluate and update the County's 5-year capital improvement plan ("CIP").

At its April 26, 2024 meeting, the Committee discussed a desire to include a time period for which the contemplated fiscal sustainability methodology and process would evaluate the County's capacity to efficiently provide and maintain infrastructure and services, with a request to General Counsel Vose to investigate appropriate language for a planning period tied to the County's comprehensive plan.

At its April 30, 2024 meeting, the Committee spoke with Philip Walters and Heather Worthington of Urban3, a planning and consulting firm that models the long-term public revenues, and long-term public costs of infrastructure, maintenance, and services, of existing and new development for local governments throughout the United States. Urban3 specializes in summarizing and depicting the results of this modeling in intuitive and quantifiable ways to empower local government decisionmakers to make decisions based on otherwise complicated or voluminous data and analysis. Jason Cheberenchick of the Orange County Planning Division was also in attendance, and advised the Committee that the County planning staff was actively looking at procurement options with respect to the implementation of Policy FLU1.2.8 and the development of a fiscal sustainability analysis tool, and that they had been in communication with Urban3 about their services.

At that same meeting, the Committee discussed the addition of language to the charter amendment specifying that the contemplated fiscal sustainability methodology and process would evaluate the County's capacity to efficiently provide and maintain infrastructure and services “over the County Comprehensive Plan’s longest-range planning period”. Vision 2050, the County’s new comprehensive plan expected to be adopted this year, implements a planning period through 2050. However, as the years pass and the comprehensive plan goes through its periodic evaluation and appraisal review, that planning period will be extended through subsequent decades. The added language allows the charter requirement to stay current with appropriate planning periods into the future.

At that same meeting, the Committee reviewed and revised the prepared charter amendment language, and by a 3-2 vote recommended the placement of the Fiscal Sustainability Analysis Amendment attached as Exhibit “A” on the November 2024 ballot.

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.

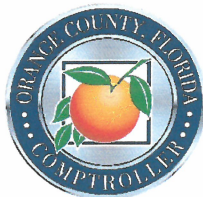
_____ Yes
_____ No

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

Sec. 506¹. – 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.

¹ 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.



OFFICE OF COMPTROLLER

ORANGE
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Fax: (407) 836-5599
Web page: www.occompt.com

DATE: May 13, 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 Fiscal Sustainability 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 fiscal sustainability 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.

Fiscal Sustainability Charter Revisions

Ballot Summary

Comptroller's Office Financial Impact: Indeterminate financial impact

Financial Analysis and Impact

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

While this proposed Charter amendment requires the adoption of a fiscal sustainability analysis methodology that could likely have some impact on decisions by future Boards of County Commission regarding certain planning and development revenues or fees, the effects of such changes to Orange County revenues or other local government revenues, if any, are indeterminate.

2. Expenditures:

This proposed Charter amendment requires Orange County to adopt a fiscal sustainability analysis methodology related to evaluating certain planning and development actions. While it is likely that the County could incur some amount of future expenditures to adopt the required fiscal sustainability analysis methodology, the amount of such future expenditures to Orange County, if any, are indeterminate due to the varied manner in which the fiscal sustainability analysis methodology could be created or procured.





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WADE C. VOSE[†]
NANCY A. STUPARICH
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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: May 13, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Fiscal Sustainability Analysis 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 Fiscal Sustainability Analysis charter amendment. The language added to the ballot summary is as follows: "Comptroller estimated financial impact: Indeterminate 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 Sustainable Growth and Charter Cleanup Committee.

Revised Ballot Summary Adding Financial Impact Summary – Fiscal Sustainability Analysis Amendment

May 13, 2024

Page 2 of 2

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. Comptroller estimated financial impact: Indeterminate 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. 506¹. – 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.

¹ 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.



2024 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Transportation Committee

Final Report and Recommendation to the Charter Review Commission

April 10, 2024

Committee Members:

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

At its November 9, 2023 meeting, the 2024 Orange County Charter Review Commission ("CRC") formed the Transportation Committee to study transportation policy, and determine whether to recommend changes to the Orange County Charter.

Based on its study, the Transportation Committee recommends creating a Transportation Mobility Advisory Commission, as embodied in the Committee's recommended charter amendment (attached as Exhibit "A"), which the Committee recommends that the CRC place on the 2024 General Election ballot for consideration by the voters of Orange County.

Overview and Rationale for Proposed Charter Amendment

The proposed charter amendment creates a Transportation Mobility Advisory Commission ("TransMAC") appointed by the Board of County Commissioners. TransMac would hold public hearings annually to make recommendations on proposed expenditures for transportation purposes prior to their inclusion in the proposed County annual budget. TransMAC would also hold meetings to make recommendations to the County Commission on transportation and mobility innovation, and to review past County transportation expenditures.

The purpose of the TransMac Commission is twofold.

First, it is to provide a forum where all transportation funding must be publicly reviewed and examined at the same time by a citizen-led appointed board, to make recommendations to the BCC in the upcoming budget. This includes all roadway, pedestrian safety, transit, and other expenditures related to transportation from any sources of revenue, with specifically carved out exceptions listed therein.

The second purpose is to provide a forum to review, vet and recommend emerging transportation technologies to the BCC as well as County staff.

Orange County has approached the funding of transportation the same way for the past 50 years or so. Much mistrust or skepticism has grown within the general public for the funding of transportation from a variety of political points of view. Some believe special or development interests exert too much influence within the process. Others believe expenditures on transit or rail yield returns that do not justify the expenditures. The result is that people from all political perspectives have voiced skepticism and mistrust on transportation funding.

TransMAC as a Charter-created process (for the annual recommendation and ranking of funding for transportation spending at the required public hearings) creates a forum wherein citizens can evaluate and comment on competing requests for spending and spending priorities in an open and transparent manner. It is believed that in order to have the citizens buy-in to any future sales tax or other additional funding sources, this process is needed to build trust and to demonstrate on an annual basis the shortfall in transportation spending in Orange County. TransMAC also provides the forum for citizens to promote or critique projects.

TransMAC can evolve into a service to County staff and the BCC. It allows a public vetting that frees up the BCC to allow consensus to evolve prior to the annual budget requests. TransMAC as an advisory board for transportation funding will serve much like the Planning and Zoning Commission as a vehicle to resolve conflicts prior to the BCC. Finally, there is no better way to show the need to the citizens for the funding of transportation than to have the citizens annually examine and review the needs and shortfalls in the community.

Overview of the Committee Process

Prior to the committee holding its first meeting, CRC Chair Homer Hartage and Committee Chair Callan held two Sunshine Meetings on November 20 and December 4, 2023 to discuss transportation. Based upon their discussions, Committee Chair Callan drafted initial charter language, new Sec. 504 Transportation Mobility Advisory Commission, in order to initiate committee discussion.

The committee held six (6) meetings from January through March 2024. The meetings were attended by several members of the public as well as the office of District 5 Commissioner Emily Bonilla, and various members of Orange County staff. The committee considered significant input specifically from Orange County Public Works staff when discussing the various drafts of the amendment.

The committee began its work at its January 8, 2024 meeting by reviewing the initial charter language prepared by Committee Chair Callan. At the conclusion of the meeting, Committee Chair Callan requested the committee members submit comments to CRC staff for incorporation in to the draft charter language and discussion at their next meeting.

At its January 31, 2024 meeting, the committee reviewed its work to date and reviewed the draft charter language revised by Committee Chair Callan. At this meeting, the committee provided direction to General Counsel Vose to draft a charter amendment based upon committee discussions.

At its February 16, 2024 meeting, the committee reviewed its work to date and discussed the revised draft of the charter amendment dated February 12, 2024. The revised draft prepared by Mr. Vose represented a substantial rewrite of the previous draft charter language while making every effort to retain the essential elements of the prior draft of the amendment.

At its March 5, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 4, 2024. The draft did not fully incorporate all of the matters discussed at the February 16, 2024 meeting among the committee members and County staff, but was provided to serve as a foundation for further revisions at an upcoming meeting.

At its March 15, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 12, 2024.

Finally, at its March 27, 2024 meeting, the committee reviewed its work to date and discussed the further revised draft of the charter amendment dated March 22, 2024.

At the same meeting, the committee voted unanimously to advance the recommendation to the full CRC, including the proposed ballot and charter language attached as Exhibit "A;" and further, delegated to Committee Chair Callan the opportunity to draft the final report with Mr. Vose and staff.

Exhibit “A”

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

**CHARTER AMENDMENT CREATING
TRANSPORTATION MOBILITY ADVISORY
COMMISSION**

Amending the Orange County Charter to create a Transportation Mobility Advisory Commission empowered to hold public hearings and make recommendations to the County Commission on: (1) proposed expenditures for transportation purposes prior to inclusion in the proposed County annual budget; (2) transportation and mobility innovation; and (3) review of past transportation expenditures; and to provide for County Commission appointment, funding of operating expenses, organization, and staff assistance.

_____ 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. 504. - Transportation Mobility Advisory Commission.

There is hereby created a Transportation Mobility Advisory Commission (“TransMAC”).

A. *Functions, powers, and duties.*

1. *Transportation Expenditure Review and Recommendation.*

a. For the purposes of this section, “Proposed Expenditures” shall mean all capital expenditures for transportation purposes, and all payments to other governmental or quasi-governmental entities for transportation purposes, funded from any available revenue source (except community redevelopment agencies and developer contributions pursuant to a proportionate share agreement, development agreement, or development order), to be proposed for inclusion in the County’s annual budget.

b. No later than the second Friday of January of each year, the County Administrator shall cause the relevant County departments to provide to TransMAC the County’s draft Proposed Expenditures, together with detailed documentation concerning the draft Proposed Expenditures, including project name, commission district, location,

type, amount, and supporting documentation, as applicable. No later than January 31 of each year, TransMAC shall hold a meeting at which the relevant County departments will make a presentation to TransMAC concerning the draft Proposed Expenditures.

c. During the months of February and March of each year, TransMAC shall hold no less than two (2) public hearings after 5 p.m. to review the Proposed Expenditures.

d. No later than the third Friday of March of each year, TransMAC shall issue a written report to the board providing advisory recommendations as to priority and projected budget amounts for such Proposed Expenditures. Such report may also include recommendations relating to the scope, work plan, organization, and implementation of projects to be funded by the Proposed Expenditures.

e. After the initial distribution of the proposed County annual budget to the board in July of each year, TransMAC shall hold at least one meeting to review and provide advisory comments and recommendations to the board concerning the transportation and transit expenditures contained in the proposed budget.

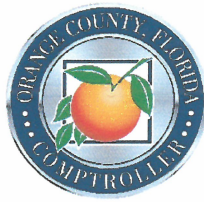
2. *Mobility Evolution and Enhancement.* From September through December of each year, TransMAC shall hold periodic public meetings to: (i) consider and review new transportation systems; (ii) examine the interface of new transportation systems with existing or future land uses, roadways, or other transit systems; (iii) advise and make recommendations to the board on new methods of transportation for all or a portion of the County, and for the integration of new trends in mobility with changes to land development requirements; (iv) consider and recommend new policy, legislative, or administrative topics to the board relating to transportation; and (v) review past County expenditures for transportation or transit purposes during the previous 10 years and recommend audits to the board.

3. TransMAC shall perform any other duties which may be lawfully assigned to it.

B. *Mandatory Review of Transportation Funding.* The substance of Proposed Expenditures shall be submitted for TransMAC review in accordance with Section 504.A.1 before their inclusion in the proposed County annual budget for the upcoming fiscal year. Emergency expenditures, expenditures funded by or related to funding opportunities arising after TransMAC review in the annual budget cycle, and expenditures included in budget amendments adopted throughout the fiscal year relating to Proposed Expenditures previously reviewed by TransMAC, are not subject to the requirement of the previous sentence. Upon the request of the County

Administrator, TransMAC shall hold a public hearing within 30 days after the request to review Proposed Expenditures not otherwise submitted for TransMAC review in accordance with Section 504.A.1 and not exempted by the previous sentence, and upon such review, or the failure of TransMAC to hold a public hearing within the time required, the requirements of subsections A.1 and B shall be satisfied with respect to such Proposed Expenditures.

- C. *Membership Number and Composition.* The membership of TransMAC shall consist of a number of members equal to the number of members of the board. TransMAC members shall be county residents who are not elected officials. In appointing TransMAC members, the board shall endeavor to include among the membership at least one member that is (i) an engineer; (ii) an accountant, banker, or financial analyst; (iii) an individual active in manufacturing or construction; (iv) an environmental advocate; (v) a civic community leader; (vi) a member of a local watchdog group; and (vii) a frequent user of transit.
- D. *Appointment, nomination, term, reappointment.* The members of TransMAC shall be appointed by the board. Each member of the board shall nominate one TransMAC member. Each TransMAC member shall serve a two-year term that commences and concludes upon the commencement of the nominating board member's term, or the two-year anniversary thereof, as the case may be. Vacancies shall be filled for the remainder of a term in the same manner as original appointment. TransMAC members may serve no more than eight (8) consecutive terms.
- E. *Organization, officers, rules.* TransMAC shall hold an organizational meeting in January of each year, at which TransMAC shall select a chair and vice-chair from among its membership. Further meetings of TransMAC shall be held upon the call of the chair. TransMAC may adopt rules for its operations and proceedings as it deems desirable.
- F. *Staffing and Staff assistance.* The Orange County Comptroller shall serve as the clerk to TransMAC. The board shall annually budget for and pay for the reasonable expenses of TransMAC. TransMAC may retain consultants, experts, and legal counsel as it deems necessary and desirable. The County Administrator and County Administrator's staff shall provide timely clerical and staff support, information, analysis, and documentation to TransMAC and its members upon request in furtherance of its duties.



OFFICE OF COMPTROLLER

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Fax: (407) 836-5599
Web page: www.occompt.com

DATE: May 13, 2024
TO: Orange County Charter Review Commission
FROM: Phil Diamond, CPA, Orange County Comptroller *PAD*
SUBJECT: Financial Analysis of the Transportation Committee's Proposed Charter Amendment Establishing a Transportation Mobility Advisory Commission

As requested, attached you will find our office's analysis and financial impact statement related to the Transportation Committee's proposed Charter amendment establishing a Transportation Mobility Advisory Commission (TransMAC). This analysis is based on the proposed language that was recommended out of the Transportation 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.

TransMAC Charter Revisions

Ballot Summary

Comptroller's Office Financial Impact: \$725,000 annually

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 annual expenditures to Orange County. Given the scope of the proposed amendment the increase in expenditures is estimated to be \$725,000, with a potential for an even greater increase depending on future actions taken by the proposed TransMAC. The increase in expenditures are comprised of a \$402,000 increase in salary and benefits needed in Orange County's Public Works Department and the Orange County Comptroller's Clerks Office to staff the needs of the TransMAC, as well as a \$325,000 increase related to non-personnel costs such as legal services, consulting services, supplies, etc. The potential for expenditures to increase beyond the amounts listed above is possible, particularly for consulting services. The proposed amendment would create Section 504.A.2. of the County Charter, which would provide for the TransMAC to:

“(i) consider and review new transportation systems; (ii) examine the interface of new transportation systems with existing or future land uses, roadways, or other transit systems; (iii) advise and make recommendations to the board on new methods of transportation for all or a portion of the County, and for the integration of new trends in mobility with changes to land development requirements; (iv) consider and recommend new policy, legislative, or administrative topics to the board relating to transportation; and (v) review past County expenditures for transportation or transit purposes during the previous 10 years and recommend audits to the board.”

Depending on the number of topics that might be studied by the TransMAC under those provisions, the need for the County to engage additional expert professional consulting services could be considerably increased.





PERSONNEL COSTS¹

Job Title	FTE	Hourly Rate	Annual	Taxes & Benefits	Total Salary & Benefits
Public Works					
Chief Engineer	1.0	\$ 64.88	\$ 134,950	\$ 47,636	\$ 182,587
Senior Financial Analyst	1.0	\$ 38.36	\$ 79,778	\$ 35,929	\$ 115,707
Administrative Assistant	0.5	\$ 26.35	\$ 27,404	\$ 24,815	\$ 52,219
Clerk of the Board					
Documents Coordinator	0.5	\$ 26.27	\$ 27,321	\$ 24,797	\$ 52,118
					\$ 402,632

NON-PERSONNEL COSTS²

Legal Services	\$ 25,000
Consulting Services	\$ 215,000
Postage	\$ 50,000
Graphic Reproduction Services	\$ 25,000
Supplies	\$ 500
Meeting Costs	\$ 5,000
Advertising	\$ 2,000
\$ 322,500	

Grand Total \$ 725,132

Note: These costs are based on the assumption that 12 meetings of the TransMAC will be held each year, and would be subject to increases if more meetings were held.

¹ Estimated staffing needs were derived from conversations with Orange County's Office of Management & Budget, Public Works Department, and the Orange County Comptroller's Clerks Office.

² Estimated non-personnel costs were derived from reviewing other similarly significant Orange County advisory board budgets, as well as data and information provided by Orange County's Office of Management & Budget and Public Works Department. Consulting services includes \$100k related to Public Works' estimated needs to support the operations of the TransMAC and an additional \$115k of estimated consulting services to support a single hypothetical transportation study per year. Those estimates depend on certain assumptions on the frequency and complexity of transportation issues that the TransMAC may consider in a given year, particularly given the scope allowed under Section 502.A.2., and as such the actual amounts would vary based on those variables.

 **VOSE LAW FIRM** LLP
ATTORNEYS & COUNSELORS AT LAW

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[†]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: May 13, 2024
SUBJECT: Revised Ballot Summary Adding Financial Impact Summary – Charter Amendment Creating Transportation Mobility Advisory Commission

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 creating a Transportation Mobility Advisory Commission. The language added to the ballot summary is as follows: “Comptroller estimated financial impact: \$725,000 cost annually.”

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 Transportation Committee.

Exhibit “A”

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

**CHARTER AMENDMENT CREATING
TRANSPORTATION MOBILITY ADVISORY
COMMISSION**

Amending the Orange County Charter to create a Transportation Mobility Advisory Commission empowered to hold public hearings and make recommendations to the County Commission on: (1) proposed expenditures for transportation purposes prior to inclusion in the proposed County annual budget; (2) transportation and mobility innovation; and (3) review of past transportation expenditures; and to provide for County Commission appointment, funding of operating expenses, organization, and staff assistance. Comptroller estimated financial impact: \$725,000 cost annually.

___ 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. 504. - Transportation Mobility Advisory Commission.

There is hereby created a Transportation Mobility Advisory Commission (“TransMAC”).

A. *Functions, powers, and duties.*

1. *Transportation Expenditure Review and Recommendation.*

a. For the purposes of this section, “Proposed Expenditures” shall mean all capital expenditures for transportation purposes, and all payments to other governmental or quasi-governmental entities for transportation purposes, funded from any available revenue source (except community redevelopment agencies and developer contributions pursuant to a proportionate share agreement, development agreement, or development order), to be proposed for inclusion in the County’s annual budget.

b. No later than the second Friday of January of each year, the County Administrator shall cause the relevant County departments to provide to TransMAC the County’s draft Proposed Expenditures,

together with detailed documentation concerning the draft Proposed Expenditures, including project name, commission district, location, type, amount, and supporting documentation, as applicable. No later than January 31 of each year, TransMAC shall hold a meeting at which the relevant County departments will make a presentation to TransMAC concerning the draft Proposed Expenditures.

c. During the months of February and March of each year, TransMAC shall hold no less than two (2) public hearings after 5 p.m. to review the Proposed Expenditures.

d. No later than the third Friday of March of each year, TransMAC shall issue a written report to the board providing advisory recommendations as to priority and projected budget amounts for such Proposed Expenditures. Such report may also include recommendations relating to the scope, work plan, organization, and implementation of projects to be funded by the Proposed Expenditures.

e. After the initial distribution of the proposed County annual budget to the board in July of each year, TransMAC shall hold at least one meeting to review and provide advisory comments and recommendations to the board concerning the transportation and transit expenditures contained in the proposed budget.

2. *Mobility Evolution and Enhancement.* From September through December of each year, TransMAC shall hold periodic public meetings to: (i) consider and review new transportation systems; (ii) examine the interface of new transportation systems with existing or future land uses, roadways, or other transit systems; (iii) advise and make recommendations to the board on new methods of transportation for all or a portion of the County, and for the integration of new trends in mobility with changes to land development requirements; (iv) consider and recommend new policy, legislative, or administrative topics to the board relating to transportation; and (v) review past County expenditures for transportation or transit purposes during the previous 10 years and recommend audits to the board.

3. TransMAC shall perform any other duties which may be lawfully assigned to it.

B. *Mandatory Review of Transportation Funding.* The substance of Proposed Expenditures shall be submitted for TransMAC review in accordance with Section 504.A.1 before their inclusion in the proposed County annual budget for the upcoming fiscal year. Emergency expenditures, expenditures funded by or related to funding opportunities arising after TransMAC review in the annual budget cycle,

and expenditures included in budget amendments adopted throughout the fiscal year relating to Proposed Expenditures previously reviewed by TransMAC, are not subject to the requirement of the previous sentence. Upon the request of the County Administrator, TransMAC shall hold a public hearing within 30 days after the request to review Proposed Expenditures not otherwise submitted for TransMAC review in accordance with Section 504.A.1 and not exempted by the previous sentence, and upon such review, or the failure of TransMAC to hold a public hearing within the time required, the requirements of subsections A.1 and B shall be satisfied with respect to such Proposed Expenditures.

- C. *Membership Number and Composition.* The membership of TransMAC shall consist of a number of members equal to the number of members of the board. TransMAC members shall be county residents who are not elected officials. In appointing TransMAC members, the board shall endeavor to include among the membership at least one member that is (i) an engineer; (ii) an accountant, banker, or financial analyst; (iii) an individual active in manufacturing or construction; (iv) an environmental advocate; (v) a civic community leader; (vi) a member of a local watchdog group; and (vii) a frequent user of transit.
- D. *Appointment, nomination, term, reappointment.* The members of TransMAC shall be appointed by the board. Each member of the board shall nominate one TransMAC member. Each TransMAC member shall serve a two-year term that commences and concludes upon the commencement of the nominating board member's term, or the two-year anniversary thereof, as the case may be. Vacancies shall be filled for the remainder of a term in the same manner as original appointment. TransMAC members may serve no more than eight (8) consecutive terms.
- E. *Organization, officers, rules.* TransMAC shall hold an organizational meeting in January of each year, at which TransMAC shall select a chair and vice-chair from among its membership. Further meetings of TransMAC shall be held upon the call of the chair. TransMAC may adopt rules for its operations and proceedings as it deems desirable.
- F. *Staffing and Staff assistance.* The Orange County Comptroller shall serve as the clerk to TransMAC. The board shall annually budget for and pay for the reasonable expenses of TransMAC. TransMAC may retain consultants, experts, and legal counsel as it deems necessary and desirable. The County Administrator and County Administrator's staff shall provide timely clerical and staff support, information, analysis, and documentation to TransMAC and its members upon request in furtherance of its duties.