

Orange County Government

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



Charter Review Commission Agenda

Thursday, March 14, 2019

4:00 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

Carmen Torres, Vice Chair

James R. Auffant–Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Samuel Vilchez Santiago–Soraya Smith–Lee Steinhauer–

Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn

Call to Order**Pledge of Allegiance****I. Public Comment****II. Approval of Minutes**

- A. [CRC-20-011](#) Approval of February 25, 2019 Meeting Minutes

III. CRC Budget

- A. [CRC-20-012](#) Review of CRC Budget

IV. Sunshine Law and Public Records in Social Media

- A. [CRC-20-013](#) Review of Sunshine Law and Public Records in Social Media

V. General Counsel Procurement Process

- A. [CRC-20-014](#) Update on General Counsel Procurement Process

VI. Meeting Schedule and Invitations for Presentations

- A. [CRC-20-015](#) Update on Meeting Schedule and Invitations for Presentations

VII. Potential Areas of Focus

- A. [CRC-20-016](#) Discussion of Potential Areas of Focus

VIII. Adjournment

Orange County Government

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201 S Rosalind Ave.
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Draft Meeting Minutes

Monday, February 25, 2019

4:30 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

Carmen Torres, Vice Chair

James R. Auffant–Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Samuel Vilchez Santiago–Soraya Smith–Lee Steinhauer–

Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn

Call to Order

The meeting was called to order at 4:34 p.m.

Present 14 - Member Anthony (Tony) Suarez, Member Camille Evans, Member Carmen Torres, Member Dotti Wynn, Member Eugene Stoccardo, Member Jack Douglas, Member James R. Auffant, Member Jeffrey A. Miller, Member John E. Fauth, Member Lee Steinhauer, Member Matthew Klein, Member Russell Drake, Member Samuel Vilchez Santiago, and Member Soraya Smith

Others present:

County Comptroller Phil Diamond as Clerk
Assistant County Attorney Kate Latorre
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Noelia Perez

Board Members: County Mayor Jerry L. Demings; Commissioners Mayra Uribe, Maribel Gomez-Codero, and Emily Bonilla

Official Recognized: Orange County Tax Collector Scott Randolph

Pledge of Allegiance**I. Welcome & Introductions**

Deputy Clerk Katie Smith opened the meeting and welcomed the members of the CRC. The Commission members introduced themselves and discussed their varied experience.

II. Purpose of the CRC

County Mayor Jerry L. Demings welcomed members of the 2020 CRC. Mayor Demings thanked members of the CRC for their willingness to serve on the CRC and reiterated the importance of the work of the Commission. Mayor Demings gave a brief overview of previous topics considered during past Charter Review cycles.

III. Administrative Functioning of the CRC**A. [CRC-20-001](#) Comptroller Services**

County Comptroller Phil Diamond thanked the members of the CRC for their service. Comptroller Diamond explained the role of the Comptroller's Office in facilitating the CRC deliberations along with the administrative functions regarding CRC budget, staffing and office space. Comptroller Diamond discussed that as an informational resource the CRC website will provide agendas, minutes, and historical records of the CRC and urged members to visit the website.

IV. Orientation**A. [CRC-20-002](#) Sunshine Law**

Assistant County Attorney Kate Latorre presented a Powerpoint presentation with regards to the Sunshine Law and their applicability to the CRC and its members.

Discussion ensued.

B. [CRC-20-003](#) Public Records Law

Assistant County Attorney Kate Latorre presented a Powerpoint presentation with regards to Florida's Public Records Law and their applicability to the CRC and its members.

Discussion ensued.

C. [CRC-20-004](#) State Code of Ethics

Assistant County Attorney Kate Latorre presented a Powerpoint presentation with regards to Florida's State Code of Ethics and their applicability to the CRC and its members.

Discussion ensued.

D. [CRC-20-005](#) Rules of Procedure

Assistant County Attorney Kate Latorre presented a Powerpoint presentation with regards to the Rules of Procedure and their applicability to the CRC and its members.

Discussion ensued.

E. [CRC-20-006](#) Quorum Requirements

Assistant County Attorney Kate Latorre presented a Powerpoint presentation with regards to Quorum Requirements and their applicability to the CRC and its members.

Discussion ensued.

V. Key First Tasks of CRC**A. [CRC-20-007](#) Election of Chair and Vice Chair**

Assistant County Attorney Kate Latorre called for nominations of Chair.

Member Stoccardo nominated Carmen Torres for Chair. Carmen Torres accepted the nomination.

Member Wynn nominated Camille Evans for Chair. Camille Evans accepted the nomination.

Member Miller nominated Dotti Wynn for Chair. Dotti Wynn accepted the nomination.

AYE votes cast by voice vote for Carmen Torres as follows: Member Santiago, Member Smith, Member Auffant, Member Fauth, Member Stoccardo, Member Torres

NO votes cast by voice vote for Carmen Torres as follows: Member Evans, Member Steinhauer, Member Douglas, Member Klein, Member Suarez, Member Drake, Member Miller, Member Wynn

AYE votes cast by voice vote for Camille Evans as follows: Member Evans, Member Steinhauer, Member Douglas, Member Klein, Member Santiago, Member Suarez, Member Fauth, Member Drake, Member Wynn

NO votes cast by voice vote for Carmen Torres as follows: Member Smith, Member Auffant, Member Stoccardo, Member Miller, Member Torres

Camille Evans received a majority and was elected as Chair; no further votes were cast.

Chair Evans called for nominations for Vice Chair.

Member Suarez nominated Carmen Torres for Vice Chair. Carmen Torres accepted the nomination.

Member Steinhauer nominated Matthew Klein for Vice Chair. Matthew Klein accepted the nomination.

Member Stoccardo nominated Russell Drake for Vice Chair. Russell Drake declined the nomination.

AYE votes cast by voice vote for Camen Torres as follows: Member Evans, Member Santiago, Member Smith, Member Auffant, Member Suarez, Member Fauth, Member Stoccardo, Member Drake, Member Miller, Member Torres, Member Wynn

NO votes cast by voice vote for Carmen Torres as follows: Member Steinhauer, Member Douglas, Member Klein

Carmen Torres received a majority and was elected as Vice Chair; no further votes were cast.

Camille Evans and Carmen Torres were elected as Chair and Vice Chair.

B. [CRC-20-008](#) Appointment of General Counsel Procurement Committee Members

Deputy Clerk Katie Smith summarized the selection process for General Counsel to be retained for the CRC. Ms. Smith indicated the Clerk's Office initiated the RFP for General Counsel based upon the County's Ordinance and the County's procurement process. The Chair, two members of the CRC, a member of the Board of County Commissioners, and three County staff members will serve on the Procurement Committee. There will be two mandatory meetings regarding the procurement process for selection of CRC General Counsel which will be held on Tuesday, March 5, 2019 from 3:00 pm. - 4:30pm. The second meeting will be held on March 27, 2019.

Chair Evans announced the two delegate members volunteering to serve on the Procurement Committee are Members Klein and Wynn.

Discussion ensued.

A motion was made by Member Auffant, seconded by Member Steinhauer, to select Chair Evans, and Members Klein, and Wynn to serve on the Procurement Committee for selection of General Counsel for the CRC. The motion carried by the following vote:

Aye: 14 - Member Suarez, Member Evans, Member Torres, Member Wynn, Member Stocco, Member Douglas, Member Auffant, Member Miller, Member Fauth, Member Steinhauer, Member Klein, Member Drake, Member Santiago, and Member Smith

Discussion ensued regarding the number of County staff members serving on the Procurement Committee for selection of General Counsel. Ms. Smith contributed to the discussion.

A motion was made by Member Klein, seconded by Member Torres, to remove one County staff appointee from the Procurement Committee for selection of General Counsel for the CRC. The motion carried by the following vote:

Aye: 14 - Member Suarez, Member Evans, Member Torres, Member Wynn, Member Stocco, Member Douglas, Member Auffant, Member Miller, Member Fauth, Member Steinhauer, Member Klein, Member Drake, Member Santiago, and Member Smith

Chair Evans requested staff reach out to the Procurement Division regarding the CRC's request for one Board of County Commissioner and two County staff members to serve on the Procurement Committee for General Counsel.

C. [CRC-20-009](#) Appointment of Administrative Assistant

Deputy Clerk Katie Smith presented information regarding the hiring process for the Administrative Assistant to the CRC. After careful review and consideration, Ms. Smith has recommended that Julie Alvin be appointed as the CRC Administrative Assistant. Discussion ensued.

A motion was made by Member Klein, seconded by Member Wynn, to appoint Julie Alvin as the Charter Review Commission Administrative Assistant. The motion carried by the following vote:

Aye: 14 - Member Suarez, Member Evans, Member Torres, Member Wynn, Member Stocco, Member Douglas, Member Auffant, Member Miller, Member Fauth, Member Steinhauer, Member Klein, Member Drake, Member Santiago, and Member Smith

D. [CRC-20-010](#) Future Meeting Schedule

Deputy Clerk Katie Smith indicated the dates for the next two CRC Meetings are scheduled for March 14, 2019 and April 11, 2019 at 4:00 p.m., in the County Commission Chambers. Ms. Smith mentioned the CRC would need to establish the meeting schedule for the upcoming CRC meetings thereafter.

Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Miller, to select the first Wednesday of every month at 5:30 p.m., as the CRC meeting schedule. The motion carried by the following vote:

Aye: 14 - Member Suarez, Member Evans, Member Torres, Member Wynn, Member Stoccardo, Member Douglas, Member Auffant, Member Miller, Member Fauth, Member Steinhauer, Member Klein, Member Drake, Member Santiago, and Member Smith

VI. Member Comment

Chair Evans addressed the CRC and encouraged the members to review Assistant County Attorney Kate Latorre's presentation regarding Sunshine Law, Public Records Law, State Code of Ethics, and Rules of Procedure. Discussion ensued.

VII. Public Comment

The following person addressed the CRC for public comment: Doug Head.

VIII. Adjournment

There being no further business, the CRC adjourned at 6:00 p.m.

Camille Evans, Chair
2020 Charter Review Commission



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Maria Vargas, ACP
Gail Stanford

TO: 2020 Charter Review Commission

FROM: Kate Latorre, Assistant County Attorney *KML*

DATE: March 8, 2019

RE: Sunshine and Public Records Laws & Social Media

This memorandum is provided in response to a request from Chairperson Evans to elaborate on a few points made during the legal orientation presented at the February 25th meeting of the Charter Review Commission ("CRC"). The information that follows is intended to provide general guidance to the CRC regarding the application of the Sunshine and Public Records Laws specifically to CRC member participation in and presence on social media.

The Sunshine Law applies to any gathering or meeting of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. *See Hough v. Stembbridge*, 278 So. 2d 288 (Fla. 3d DCA 1973). Further, the Sunshine Law is to be construed "so as to frustrate all evasive devices." *See e.g. Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). Florida courts, as well as the office of the Florida Attorney General, have concluded that a gathering or meeting between board or commission members does not have to be a formal one, and that the physical presence of two or more members is not necessary in order to find the Sunshine Law applicable. *See Op. Att'y Gen. Fla. 09-19* (2009). Thus, members of a public board may not use computers to conduct a private discussion among themselves about board business. *See Op. Att'y Gen. Fla. 89-39* (1989).

It follows that any communication between two or more members of the CRC on social media or any other form of electronic communication is subject to the Sunshine Law. This does not necessarily mean that CRC members may not be friends with, follow, or be linked with one another on social media. If members are already connected to fellow CRC members on social media, there is no requirement that the connection be severed.

That being said, CRC members are prohibited from engaging in any back and forth discussion on any matter that could foreseeably come before the CRC for official action. Any such communication must only occur at a noticed meeting, open to the public, at which minutes are taken consistent with the requirements of the Sunshine Law. Responding to another CRC member's post on a matter of public business or potential public business would be a violation of the Sunshine Law, subject to possible criminal and non-criminal penalties.

Similarly, the Public Records Law applies to any online or electronic records, including records originated on social media, when those records constitute public records. Therefore, if a social media post or comment is made or received in connection with the transaction of official CRC business, that post or comment would likely be considered a public record. CRC members would be responsible for maintaining the record – that is, not deleting or archiving it so that it would not be able to be accessed for public inspection and copying, if requested. Each CRC member is the custodian of their own public records, which means each member must maintain their public records and make them available for inspection and/or copying if such records become the subject of a public records request. The length of time the record must be maintained varies depending on the content of the record.

As your substantive work on the CRC commences, I encourage you to keep these points in mind as you engage with others using social media platforms. You are free to engage with one another on matters not related to your work on the CRC, whether it be online or in person. If you have any additional questions regarding this information, or if you want to discuss a specific situation or occurrence, please feel free to contact my office.