

Orange County Government

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



Charter Review Commission Agenda - Final

Wednesday, July 10, 2019

6:00 PM

District 6 - Holden Heights Community Center

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–Nikki Mims–Samuel Vilchez Santiago–Soraya Smith–

Lee Steinhauer–Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn

Call to Order**Pledge of Allegiance****I. Invited Guest**

BCC District 6 Commissioner Victoria P. Siplin

II. Public Comment**III. Consent Item**

- A. CRC-20-041 Approval and execution of the minutes of the June 5, 2019 Regular Business Meeting of the Charter Review Commission (CRC).

Attachments: 2019-06-05 Draft CRC Meeting Minutes

IV. Discussion Items

- A. CRC-20-042 Proposed Charter Review Topic - Number and Composition of County Commission Districts

Attachments: 2019-07-10 IV. A1 Chair Number and Composition of Commission Districts
2019-07-10 IV. A2 2016 Expansion Co. Commission Final Report and Exhibits
2019-07-10 IV. A3 Redistricting Legal Principles
2019-07-10 IV. A4 OC Commission Districts Adopted by BCC 2011-11-29

- B. CRC-20-043 Proposed Charter Review Topic - Various Topics Regarding Land Use and Zoning

Attachments: 2019-07-10 IV. B1 Chair Various Topics Regarding Land Use and Zoning
2019-07-10 IV. B2 2016 Protection Rural Boundaries Final Report and Exhibits
2019-07-10 IV. B3 Stoccoardo Rural Lands Protection Proposal
2019-07-10 IV. B4 Stoccoardo Annexation Proposal
2019-07-10 IV. B5 Stoccoardo Urban Service Area Protection Proposal
2019-07-10 IV. B6 Stoccoardo Agriculture Protection Proposal

- C. CRC-20-044 Proposed Charter Review Topic - Unlicensed Contractor Activity within Incorporated Orange County

Attachments: 2019-07-10 IV. C1 Steinhauer Unlicensed Contractor Activities
2019-07-10 IV. C2 Audit OC Consumer Fraud Unit Unlicensed Contractor Prgm

- D. CRC-20-045 Proposed Charter Review Topic - Rights of the Wekiva River and Econlockhatchee River

Attachments: 2019-07-10 IV. D1 Citizen Proposal Wekiva and Econlockhatchee River Rights
 2019-07-10 IV. D2 CELDF Rights of Nature Timeline

E. CRC-20-046 Proposed Charter Review Topic - Ethics for Appointing Lobbyist to Citizen
 Boards and Commissions: Prohibition

Attachments: 2019-07-10 IV. E1 Stoccardo Ethics Rule Proposal

V. New Business

Orange County Government

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



Draft Meeting Minutes

Wednesday, June 5, 2019

5:30 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–Nikki Mims–Samuel Vilchez Santiago–Soraya Smith–
Lee Steinhauer–Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn*

Call to Order

The meeting was called to order at 5:31 p.m.

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

Absent: 1 - Member Anthony (Tony) Suarez

Others present:

County Comptroller Phil Diamond as Clerk
CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Noelia Perez

Board Members: Commissioners Betsey VanderLey, Christine Moore, and Emily Bonilla

Pledge of Allegiance**I. Invited Guests**

- Comptroller Phil Diamond

Comptroller Phil Diamond addressed the CRC regarding the areas of focus list submitted by members of the CRC. Comptroller Diamond stated the three areas of focus are as follows:

- Cost study regarding expansion of Commission Districts
- Study of Tourist Development Tax
- Unlicensed contractors

Comptroller Diamond indicated Comptroller staff will provide information and assistance regarding present and upcoming topics brought forth by the CRC.

- BCC District 1 Commissioner Betsy VanderLey

Commissioner VanderLey addressed the CRC regarding the significance of the work and decision making of the Commission.

- BCC District 2 Commissioner Christine Moore

Commissioner Moore expressed the importance of the CRC and their work. Commissioner Moore addressed the CRC regarding the following topics:

- Support of Nonpartisan parties

- Number of County Commissioners with regards to Districts within incorporated and unincorporated areas
- Code Enforcement specifically in neighborhoods where there is no Home Owners Association.

NON AGENDA

Commissioner Bonilla addressed the CRC regarding the following topics:

- Separate executive branches
- Rural boundary protection
- Creating a honesty clause in Charter
- BCC Meetings during evening hours

II. Public Comment

The following persons addressed the CRC for public comment:

- Pete Dunkelberg
- Eric Rollings
- Todd Catella

III. Consent Item

- A. CRC-20-034** Approval and execution of the minutes of the May 1, 2019 District 5 Public Hearing

A motion was made by Member Wynn, seconded by Member Santiago, to approve and execute the Minutes of May 1, 2019. The motion carried by the following vote:

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

Absent: 1 - Member Suarez

IV. Informational Items

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

- A. CRC-20-035** Evaluation Process for Potential Topics for Evaluation

Chair Evans addressed the CRC regarding the evaluation process for potential topics for consideration placed on the CRC Agenda in order to facilitate adequate time for CRC Members and the public to review proposed topics. Chair Evans referred to the Evaluation Process for Potential Topics for Consideration Memorandum distributed to CRC members. The memorandum details the submittal process for topics placed on the CRC Agenda, topics established for CRC evaluation, and topics assigned to subcommittees. Based upon discussion the CRC determined the agenda for all future 2020 CRC meetings would be distributed 7 days

prior to the meeting. Accordingly, all written proposals shall be provided to CRC staff no later than 12 days prior to the upcoming CRC meeting date. Discussion ensued regarding distribution of the CRC Agenda, written proposals, and submittal of backup materials. All written proposals and backup materials shall be submitted to CRC staff via email at 2020Charter@occompt.com

Deputy Clerk Katie Smith contributed to discussion regarding creating a repository to house all substantial and informational items for CRC meetings and subcommittee meetings.

B. CRC-20-036 List of 2020 Orange County Charter Review Potential Topics for Evaluation

Chair Evans directed CRC staff to compile and maintain an updated list regarding agenda topics as presented by CRC members and citizens.

V. Discussion Items

A. CRC-20-037 Presentation Regarding County Constitutional Officers

CRC General Counsel Cliff Shepard provided a Powerpoint presentation regarding the status of Constitutional Officers. Discussion ensued. Ms. Smith contributed to the discussion and will provide CRC General Counsel with the Florida Special Act of 1972 which enacted the duties of Orange County Comptroller.

B. CRC-20-038 Proposed Charter Review Topic - Number and Composition of County Commission Districts

This item will be considered at a future CRC Meeting.

C. CRC-20-039 Proposed Charter Review Topic - Various Topics Regarding Land Use and Zoning

This item will be considered at a future CRC Meeting.

VI. New Business

A. CRC-20-040 Proposed Charter Review Topic - Citizen Initiated Charter and Ordinance Amendment Process

This item will be considered at a future CRC Meeting.

VII. Adjournment

There being no further business, the CRC adjourned at 7:16 p.m.

Camille Evans, Chair
2020 Charter Review Commission



**Orange County Charter Review Commission
Subcommittee Meetings
Martha O'Haynie Conference Rooms A & B**

Meeting Slot 1 Tuesdays 2:00 pm – 3:30 pm

Meeting Slot 2 Tuesdays 3:45 pm– 5:15 pm

Meeting Slot 3 Wednesdays 12:00 pm – 2:00 pm
Except for CRC Meeting Days

Meeting Slot 4 Wednesdays 2:15 pm – 3:45 pm
Except for CRC Meeting Days

Meeting Slot 5 Thursdays 11:00 am – 1:30 pm

Meeting Slot 6 Thursdays 3:45 pm – 5:15 pm

Note: Subcommittees assigned to study articles of the Charter will determine the frequency of meetings.

MEMORANDUM

To: 2020 Orange County CRC Members

From: Camille Evans, Chair

Re: Proposed Charter Review Topic – Number and Composition of County Commission Districts

Date: May 31, 2019

General. Several members of the Orange County Charter Review Commission (the "CRC"), as well as members of the public, have raised the issue of possibly evaluating the number and composition of the Orange County Commission Districts.

Applicable Charter Sections. Article II, Sections 202 and 203.

Has this issue been addressed by the last five Charter Review Commissions? Yes, every CRC from 2000 through 2016.

Action Taken by each of the last five Charter Review Commissions. Every CRC from 2000 through 2016 rejected either (i) the consideration of or (ii) ultimately proposing an amendment to the Charter regarding the number and composition of County Commission Districts.

Information Available to the 2020 CRC on this Topic.

- Historical Index of Charter Review Commission District.
 - <https://www.occompt.com/download/Web-Orange-County-Charter-Review-Commission-History-Notebook.pdf>
- Memorandum – Historical Information Collected by the CRC on the Evaluation of the Number of Commission Districts (from April 11, 2019 2020 CRC Agenda).
 - <https://occompt.legistar.com/LegislationDetail.aspx?ID=3929309&GUID=7329C169-E935-4088-BA8C-192CA65EBE56>



Work Group Recommendation
Expansion of County Commission Work Group

Work Group Members:

Jose Fernandez, Chair
Maribel Gomez Cordero
Edward DeAguilera
Pat DiVecchio
Eddie Fernandez

Summary of Recommendation

Over the past 5 months, the Expansion of County Commission Workgroup held six public meetings to hear public input and consider proposals relating to expanding the membership of the Orange County Commission. The workgroup reviewed the work of a similarly-tasked committee of the 2012 CRC, historical population information, and anticipated costs of implementing proposals for expansion. The workgroup further heard from members of the public expressing concerns relating to the representativeness and responsiveness of current County Commission districts.

After consideration of the information presented, the workgroup voted 4-1 to recommend to the full CRC an amendment to the Orange County Charter expanding the Orange County Commission from 7 members to 9 members, with 8 Commissioners (increased from 6) elected in single-member districts, plus a Mayor elected countywide.

The specifics of the proposal provide that a Redistricting Advisory Committee would be appointed in January 2017, and that they would finalize and deliver their recommendations for drawing the eight districts to the County Commission by September 1, 2017. The County Commission would then approve a redistricting plan by November 1, 2017. The new commissioners would be elected in County's 2018 election cycle, with one of the two commissioners elected to an initial two year term to stagger the new commission seat elections.

Reasons for Recommendation

Doubling of Orange County Population Since 1988

First and foremost, Orange County has doubled in population (from roughly 621,000 to 1,253,000) since 1988, when a prior CRC successfully proposed a charter amendment expanding the County Commission from 5 at-large members to 6 commissioners elected in single-member districts plus a countywide Chairman. As a result, the representativeness and responsiveness adopted by the voters in their prior expansion of the County Commission has been eroded by this explosive population growth. When the current structure of the County Commission was approved by the

voters in 1988, the average population of each district was roughly 104,000. That average population has grown to roughly 209,000 per district.

Expanding the number of commissioners and county commission districts from six to eight would reduce the average per district population to roughly 157,000.

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

“Infrastructure” for Future Population Growth

In a related vein, the workgroup also noted that the population of Orange County is not likely to stop growing any time soon, and that as the Florida economy improves, its rate of growth is likely to increase. As a result, an expansion of the County Commission not only addresses the population growth that has occurred to date, but anticipates the needs of the county with regard to future growth.

Potential Expansion of Opportunity for Minority Representation

In its discussions, the workgroup recognized that a number of representatives of Orange County's Hispanic community have advocated expansion of the County Commission since the County's 2011 redistricting process. Those representatives have argued that with two additional districts, and the attendant reduction in per-district population, it will become more likely that one or more of the districts will become a “minority-majority” district, thus, the representatives have argued, increasing the likelihood of election of an individual from that ethnic group.

Consideration of race and ethnicity in redistricting efforts is legally complex, and the workgroup's recommendation provides no requirement or guarantee in its text that a redistricting process will result in one or more Hispanic minority-majority districts. However, a majority of the workgroup found the arguments advanced by these community representatives to be consistent with the workgroup's more general finding that a decrease in population per district would enable County Commission members to be more representative of their districts.

Relatively Small Costs are Justified to Enhance Representation

The workgroup asked the Orange County Comptroller's Office to assemble information relating to the one-time and annual costs associated with adding two additional commissioners to the County Commission. While the costs are not trivial, they are exceedingly small in the context of a county budget of over \$3.6 billion annually. Moreover, the relatively small costs are outweighed by the enhancement of representation in the County.

The Comptroller's Office estimated the one-time cost of a redistricting process in 2017 at \$508,829, with an additional one-time cost of \$359,980 to the Supervisor of Elections to

implement the new districts. In addition, the Comptroller estimated a one-time capital cost of \$750,000 to accommodate the two additional commissioners. This amounts to a cumulative one-time cost of \$1,618,809, or roughly 0.044% of the FY 2016 Orange County budget of \$3.6 billion. The Comptroller also estimated the annual recurring cost of personal services and operating expenses for two additional commissioners at \$646,000, or 0.018% of the FY 2016 budget.

As the workgroup and members of the public discussed frequently, representative government costs money. Presumably money could be saved by eliminating most of the elected county commission seats and districts, but at an unacceptably heavy cost to the representativeness and responsiveness of the County Commission. Accordingly, a majority of the workgroup believed that achieving enhanced representativeness and responsiveness was worth the relatively small incremental cost.

As Mayor Jacobs Suggested, Topic of Community Discussion Worthy of Presenting to the Voters

At the September 10, 2015 meeting of the full CRC, Mayor Jacobs provided her thoughts on the proposal to add two county commission districts. She recognized that the expansion of the County Commission has been a topic of community discussion for a number of years. While she was clear that she did not know how she would personally vote on such a proposal, she expressed her opinion that it was a topic worthy of placing on the ballot to allow the voters to decide on the matter. A majority of the workgroup concurs in the Mayor's assessment.

Arguments Against Expansion Proposal

Dilution of Power of Individual Commissioners/Districts

Concerns were raised that with the addition of two additional county commission districts and commissioners, the voting power of each member of the County Commission would be diluted.

Increased Parochialism

Concerns were also raised that in moving from six to eight districts, encompassing smaller populations and geographic areas, that individual commissioners would be increasingly incentivized to focus only on the particular needs and interests of their districts, rather than the needs and interests of the County as a whole. Notably, this same argument was advanced in 1988 against moving from countywide elections to single-member districts for county commissioners.

Upfront and Recurring Cost

Concerns were raised regarding the costs referenced above, namely that while they are not large compared to the County budget, they are still substantial if expansion is not justified.

Expansion Does Not Guarantee Hispanic Commissioners

As noted above, the proposed expansion does not expressly require or guarantee the creation of minority-majority districts, and so concerns were raised that a reason advanced by community representatives for the proposed expansion may not be adequately resolved by the proposal.

Concerns Raised by Commissioner DiVecchio

Commissioner DiVecchio raised a number of concerns relating to whether the proposal is necessary, some of which are embodied above. At his request, his complete list of concerns is attached.

From: [Pat DiVecchio](#)
To: [Charter](#)
Subject: Re: Schedule
Date: Friday, September 18, 2015 8:15:12 AM

Katie,

Per our discussion, I will not be able to attend the meeting on Sept 24th. Following are my comments on the Expansion of County Commission Districts from 6 to 8. Please forward to the other Members for inclusion in the final report.

- We shouldn't be doing this just to do it. A valid reason has yet to be established.
- The main reason that I have heard for the expansion, is to get Hispanic representation. Expansion cannot guarantee Hispanic representation and I question whether this reason is even legal.
- We have had Hispanic representation in the past, in the existing 6 Districts, one of which was Mayor Martinez.
- Commission Boyd gave an excellent description of the current workload for sitting Commissioners. As one of the busiest areas, he is not overwhelmed. So again, what is the problem?
- We haven't heard of ANY citizens who haven't been able to contact their Commissioners. What is the problem?
- It has been said, that the cost will be minimal, but why spend any money on something we don't need when we can spend it on something we do need.

Thank you,

Pat DiVecchio

On Wed, Aug 26, 2015 at 10:46 AM, Charter <charter2016@occompt.com> wrote:

Thanks for your call this morning, Pat. This email confirms that you will not be in attendance during the Expansion of County Commission Districts work group meeting scheduled for 9/24. I will look for your email pertaining to those reasons you did not support the intended recommendation. Listing your opposition in bullet points will be sufficient for the presentation.

Katie Smith



Katie A. Smith

Deputy Clerk

Manager - Comptroller Clerk's Office

katie.smith@occompt.com

Post Office Box 38, Orlando, FL 32802-0038

Phone [407-836-7301](tel:407-836-7301); Fax [407-836-5382](tel:407-836-5382)

For more information please visit our website at www.occompt.com.

 Please consider the environment before printing this e-mail.

From: Pat DiVecchio [mailto:2015crc@gmail.com]

Sent: Wednesday, August 26, 2015 10:39 AM

To: Charter

Subject: Schedule

FYI:

I will out of town and not available for meetings on the following dates.

Sept 18th thru 26th

Oct 16th thru the 19th.

MEMORANDUM

TO: Members, 2011 Redistricting Advisory Committee

FROM: Whitney E. Evers, Assistant County Attorney

RE: Redistricting Legal Principles

DATE: April 7, 2011

A. Introduction

The purpose of this memorandum is to provide you with a brief summary of the legal issues in the redistricting process. A more in-depth analysis of these issues will be presented at a future meeting. It is important to remember throughout this process that any potential legal challenge to an Orange County district will require the courts to review the evidence and legal principles applied by this advisory committee in making its recommendations. Likewise, the final approval by the Board of County Commissioners will be scrutinized by the Court, as well as the potential litigants.

B. One Person, One Vote

The general concept of redistricting is the often quoted saying "one person, one vote." In refining that expression the court has had to distinguish between cases involving congressional districts and those involving state or local districts.

The first of many landmark decisions in the voting rights arena was *Baker v. Carr*, 369 U.S. 186 (1962) which held that state legislative districting cases could be reviewed by the courts. The Court added that not only could the cases be reviewed by the courts, but they could also fashion a relief whenever there were constitutional violations. However, the Supreme Court did not provide any specific standards or criteria for judicial review of state cases until two years later in *Reynolds v. Sims*, 377 U.S. 533 (1964).

In *Reynolds v. Sims*, the Supreme Court held that "the overriding objective must be substantial equality of population among the various districts." The Court also

distinguished that there are more state legislative seats to be divided than congressional seats, and therefore, the same standards would not be applied to state redistricting principles. The amount of permissible variation between districts was not addressed in this decision.

C. Maximum Deviation

The ideal population is the total population of the county or state divided by the number of sets or districts. For example, in Orange County, the 2010 census showed that the total population is 1,145,956. Therefore, for purposes of the County Commissioners' districts the ideal population is equal to 190,993 or roughly 191,000 per district.

The key is to compare the difference among the different districts. The term "maximum deviation" has developed as the standard for evaluating state legislative districts. The easiest way to calculate "maximum deviation" is to compare two districts, the one with the greatest population and the one with the lowest population. The term maximum deviation, which has also been referred to as "overall range," "deviation," and "total variance" is the difference between those two districts divided by the ideal population.

In June 1973, the Supreme Court provided further clarification as to what range of population variations were permissible with regards to "maximum deviation." In deciding a Connecticut case and a Texas case, and also in subsequent opinions, the Court has held that the maximum deviation which does not subject a legislative plan to further judicial scrutiny is 10 percent (+/- 5%). In essence, the population in the districts for Orange County should range from 181,443 to 200,543 per district.

In certain instances the courts have upheld districts that exceed the maximum deviation; however, those cases have been subjected to considerable judicial scrutiny. With the development of software and other computer modules and the increasing accuracy of census data, justifying exceeding the prescribed deviations has become increasingly difficult.

D. Minority Districts

Having established the approximate number of individuals in the district, the next question to ask is who will comprise the district. To offset the impact of racial gerrymandering, defined as the "deliberate and arbitrary distortion of boundaries for

racial purposes” courts have allowed for and sometimes mandated the creation of minority districts. *Shaw v. Reno*, 509 U.S. 630, 640 (1993).

In discussing minority districts, there are three classes of minority-based districts. The type of district is determined by the percentage of individuals who belong to that particular minority classification. Majority-minority districts are districts in which the majority of the population is African-American, Hispanic, Asian or Native American. Effective minority districts contain a minority population in numbers sufficient for that population to elect a candidate of its choice. Influence districts are districts in which the minority community is not large enough to elect a candidate of its choice, but is large enough to elect a candidate who will be responsive to the interests and concerns of that minority community.

With the exception of majority-minority districts, in which the U.S. Supreme Court has said the minority group must make up 50% or more of the voting age population, the percentage of the population that qualifies in each category is not specific and varies drastically from case to case. *Bartlett v. Strickland*, 129 S.Ct. 1231 (2009). Voting patterns are often analyzed and scrutinized to consider the effectiveness of the minority district. More importantly, the Supreme Court has held that race-based redistricting is impermissible and has rejected, as unconstitutional, plans in which race is the predominant factor.

E. Traditional Redistricting Principles

Traditional redistricting principles should be considered important criteria for this advisory committee to consider because they establish that the plan was adopted for reasons that typically withstand judicial challenges. They can also be substantiated in future litigation by tangible evidence in the record such as testimony at public hearings or discussion recorded in the committee’s minutes.

Since 1993, seven factors have been judicially recognized as traditional redistricting principles:

1. Compactness
2. Contiguousness
3. Preservation of counties and other political subdivisions
4. Preservation of communities of interest

5. Preservation of cores of prior districts
6. Protection of incumbents
7. Compliance with Section 2 of the Voting Rights Act

The first three categories are considered objective principles that are measured by geographical or natural boundaries. Compactness is best described rather than explained. The courts have concluded that a legislative body designing the districts does not need to show that it drew the most compact district possible. However, compactness does have to be one of its primary goals. Districts need not be in any recognizable geometric shape, but the districts should contain citizens who can relate to each other and should avoid “bizarre” configurations.

The Florida Supreme Court in adopting a definition of “contiguous districts” has declared:

“We agree with the view expressed in *Mader v. Crowell*, 498 F.Supp. 226, 229 (M.D. Tenn. 1980) that a ‘district lacks contiguity only when a part is isolated from the rest of the territory of another district.’ *Webster’s* defines contiguous as: ‘being in actual contact: touching along a boundary or at a point.’ *Webster’s Collegiate Dictionary*, 245 (1973). We adopt that definition, except that we agree with the law expressed in *Jaffrey v. McGough* . . . that lands that mutually touch only at a common corner or right angle cannot be regarded as ‘contiguous’ within the proper meaning of the word when applying it in establishing house or senate districts.” *In Re Apportionment Law, Senate Joint Resolution 1E*, 414 So.2d 1040 (Fla. 1982) at p. 1051.

Additionally, the Florida Supreme Court has held that:

“...Contiguity does not require convenience and ease of travel, or travel by terrestrial rather than marine forms of transportation...The presence in a district of a body of water without a connecting bridge, even if it necessitates land travel outside the district in order to reach other parts of the district, does not violate this Court’s standard for determining contiguity under the Florida Constitution.” *In Re Constitutionality of House Joint Resolution 25E*, 863 So. 2d 1176 (Fla. 2003) at p. 1179.

The preservation of counties and other political subdivisions can also be easily distinguished. This includes using county, city, or town boundaries as boundaries for districts.

Categories four and five, preservation of communities of interest and preservation of cores of prior districts are more subjective categories that are often used to justify a particular district's shape. Oftentimes in litigation, other statistical data is used to support these nebulous boundaries, such as the use of demographic studies or socioeconomic studies.

Incumbency has been preserved by the courts and continues to be a major consideration in the adoption of any redistricting plan. As the function of the Redistricting Advisory Committee is to make recommendations, the approval of the districts by the Board of County Commissioners is a requisite.

Section 2 of the Voting Rights Act prohibits any state or political subdivision from imposing any voting qualification, standard, practice or procedure that results in the denial of a citizen's right to vote on the basis of race, color, or status as a member of a language minority group. Further discussion of the implications of Section 2 of the Voting Rights Act will be addressed in a later committee meeting.

F. Conclusion

The development of voting rights case law has established some guiding principles that should be used throughout the redistricting process. Generally, a redistricting plan will be challenged successfully in court when the maximum deviation exceeds ten percent or if the districts have been designed with race as a predominant factor.

c: Teresa Jacobs, Orange County Mayor
Orange County Board of County Commissioners
Ajit Lalchandani, Orange County Administrator
Jeffrey J. Newton, Orange County Attorney
John P. Dougherty, Orange County Attorney's Office

Orange County Commission Districts

As Adopted by the Orange County Board of County Commissioners on 11/29/2011

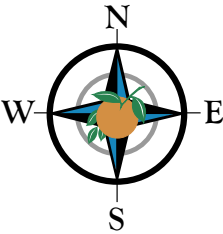
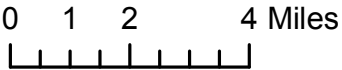
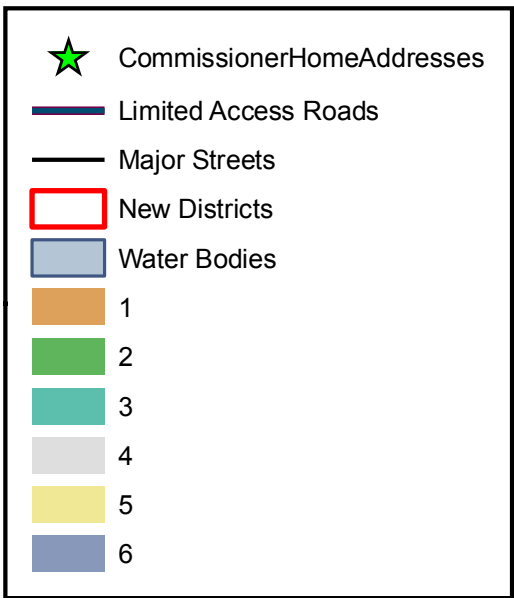
District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	186,836	-2.18%	72.86%	9.78%	9.11%	8.25%	19.51%
2 (Brummer)	188,509	-1.30%	56.48%	30.18%	3.09%	10.25%	19.99%
3 (Martinez)	199,697	4.56%	73.22%	10.07%	3.07%	13.65%	41.40%
4 (Thompson)	185,352	-2.95%	67.73%	11.63%	6.85%	13.79%	41.77%
5 (Edwards)	198,534	3.95%	79.90%	8.57%	4.43%	7.11%	17.82%
6 (Russell)	187,028	-2.08%	29.85%	55.82%	3.28%	11.05%	20.65%
Maximum Deviation:			7.51%				

DISCLAIMER:

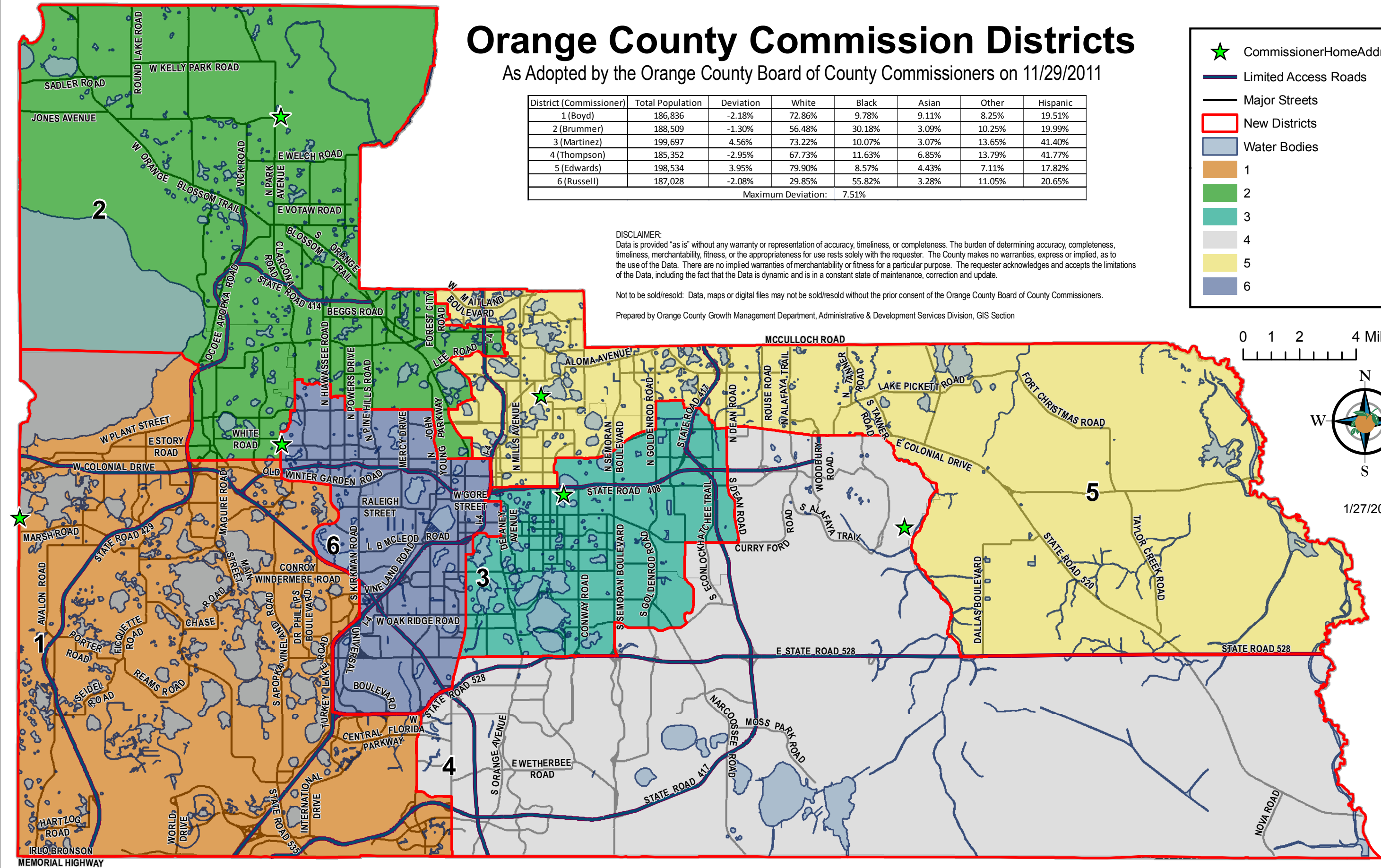
Data is provided "as is" without any warranty or representation of accuracy, timeliness, or completeness. The burden of determining accuracy, completeness, timeliness, merchantability, fitness, or the appropriateness for use rests solely with the requester. The County makes no warranties, express or implied, as to the use of the Data. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the Data, including the fact that the Data is dynamic and is in a constant state of maintenance, correction and update.

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Prepared by Orange County Growth Management Department, Administrative & Development Services Division, GIS Section



1/27/2012



Orange County Commission Districts*

Percentage of Census Designated Places within Orange County Commission Districts

Census Designated Place	Total Pop.	District 1		District 2		District 3		District 4		District 5		District 6	
		2001	2012	2001	2012	2001	2012	2001	2012	2001	2012	2001	2012
Alafaya	78,113					8.9%	0.0%	91.1%	100.0%	0.0%	0.0%		
Apopka	41,529			100.0%	100.0%								
Azalea Park	12,556					100.0%	100.0%						
Bay Hill	4,884	100.0%	100.0%										
Bay Lake	47	100.0%	100.0%										
Belle Isle	5,988					0.0%	100.0%	100.0%	0.0%				
Bithlo	8,268									100.0%	100.0%		
Christmas	1,146									100.0%	100.0%		
Clarcona	2,990	8.3%	0.0%	91.7%	100.0%								
Conway	13,467					0.0%	100.0%	100.0%	0.0%				
Doctor Phillips	10,981	100.0%	100.0%										
Eatonville	2,159			100.0%	100.0%								
Edgewood	2,503					0.0%	100.0%	100.0%	0.0%				
Fairview Shores	10,237			56.3%	56.3%					43.7%	43.7%		
Four Corners	1,485	100.0%	100.0%										
Goldenrod	6,143									100.0%	100.0%		
Gotha	1,915	100.0%	100.0%										
Holden Heights	3,679					0.0%	90.6%	100.0%	0.0%			0.0%	9.4%
Horizon West	14,000	100.0%	100.0%										
Hunters Creek	14,321	100.0%	100.0%										
Lake Buena Vista	10	100.0%	100.0%										
Lake Butler	15,400	100.0%	100.0%										
Lake Hart	542							100.0%	100.0%				
Lake Mary Jane	1,575							100.0%	100.0%				
Lockhart	13,060			100.0%	100.0%								
Maitland	15,751			10.3%	0.0%					89.7%	100.0%		
Meadow Woods	25,558							100.0%	100.0%				
Oak Ridge	22,685											100.0%	100.0%
Oakland	2,538	100.0%	100.0%										
Ocoee	35,579	99.9%	18.7%	0.1%	81.3%								
Orlando	238,300	10.5%	3.5%	7.1%	7.1%	28.4%	29.9%	17.6%	8.2%	8.5%	16.4%	27.9%	34.9%
Orlovista	6,123	100.0%	0.0%									0.0%	100.0%
Paradise Heights	1,215			100.0%	100.0%								
Pine Castle	10,805					0.0%	100.0%	100.0%	0.0%				
Pine Hills	60,076			50.7%	36.3%							49.3%	63.7%
Rio Pinar	5,211					100.0%	100.0%						
Sky Lake	6,153					0.0%	100.0%	100.0%	0.0%				
South Apopka	5,728			100.0%	100.0%								
Southchase	15,921							100.0%	100.0%				
Taft	2,205							100.0%	100.0%				
Tangelo Park	2,231											100.0%	100.0%
Tangerine	2,865			100.0%	100.0%								
Tildenville	511	100.0%	100.0%										
Union Park	9,765					100.0%	0.0%	0.0%	66.5%	0.0%	33.5%		
University	31,084									100.0%	100.0%		
Wedgfield	6,705									100.0%	100.0%		
Williamsburg	7,646	100.0%	100.0%										
Windermere	2,462	100.0%	100.0%										
Winter Garden	34,568	100.0%	100.0%										
Winter Park	27,852			2.0%	2.0%					98.0%	98.0%		
Zellwood	2,817			100.0%	100.0%								
Undesignated	296,604	26.8%	35.8%	23.5%	20.1%	35.9%	30.2%	20.9%	22.7%	28.5%	27.7%	22.0%	18.3%
TOTALS	1,145,956	20.9%	14.8%	15.0%	17.2%	12.0%	15.5%	23.7%	17.7%	14.1%	16.9%	14.3%	18.0%

* Effective 12/4/2012

Orange County Commission Districts*

Orange County Commission Districts by Population and Race

2001 DISTRICTS - POPULATION OF DISTRICTS BY RACE

District (Commissioner)	Current Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	242,688	27.07%	169,345	30,429	20,096	22,818	49,369
2 (Brummer)	166,697	-12.72%	87,838	57,423	4,668	16,768	32,067
3 (Martinez)	159,389	-16.55%	114,409	15,896	5,730	23,354	70,900
4 (Thompson)	254,949	33.49%	180,530	28,037	14,471	31,911	95,392
5 (Edwards)	167,023	-12.55%	133,929	14,336	7,291	11,467	28,853
6 (Russell)	155,210	-18.74%	42,744	92,120	4,325	16,021	31,663

2012 - POPULATON OF DISTRICTS BY RACE

District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	186,836	-2.18%	136,126	18,266	17,024	15,420	36,457
2 (Brummer)	188,509	-1.30%	106,478	56,893	5,817	19,321	37,686
3 (Martinez)	199,697	4.56%	146,215	20,101	6,127	27,254	82,683
4 (Thompson)	185,352	-2.95%	125,537	21,560	12,694	25,561	77,430
5 (Edwards)	198,534	3.95%	158,620	17,017	8,786	14,111	35,373
6 (Russell)	187,028	-2.08%	55,819	104,404	6,133	20,672	38,615

2001 DISTRICTS - PERCENTAGE OF DISTRICTS BY RACE

District (Commissioner)	Current Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	242,688	27.07%	69.78%	12.54%	8.28%	9.40%	20.34%
2 (Brummer)	166,697	-12.72%	52.69%	34.45%	2.80%	10.06%	19.24%
3 (Martinez)	159,389	-16.55%	71.78%	9.97%	3.59%	14.65%	44.48%
4 (Thompson)	254,949	33.49%	70.81%	11.00%	5.68%	12.52%	37.42%
5 (Edwards)	167,023	-12.55%	80.19%	8.58%	4.37%	6.87%	17.27%
6 (Russell)	155,210	-18.74%	27.54%	59.35%	2.79%	10.32%	20.40%

2012 - PERCENTAGE OF DISTRICTS BY RACE

District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	186,836	-2.18%	72.86%	9.78%	9.11%	8.25%	19.51%
2 (Brummer)	188,509	-1.30%	56.48%	30.18%	3.09%	10.25%	19.99%
3 (Martinez)	199,697	4.56%	73.22%	10.07%	3.07%	13.65%	41.40%
4 (Thompson)	185,352	-2.95%	67.73%	11.63%	6.85%	13.79%	41.77%
5 (Edwards)	198,534	3.95%	79.90%	8.57%	4.43%	7.11%	17.82%
6 (Russell)	187,028	-2.08%	29.85%	55.82%	3.28%	11.05%	20.65%

Maximum Deviation: 7.51%

Orange County Commission Districts*

Orange County Commission Districts Population and Race by Voting Age

2001 DISTRICTS - VOTING AGE POPULATION OF DISTRICTS BY RACE

District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	184,169	26.17%	131,354	21,826	15,672	15,317	35,009
2 (Brummer)	122,689	-15.95%	69,705	38,694	3,676	10,614	21,403
3 (Martinez)	125,163	-14.25%	92,641	11,651	4,682	16,189	51,401
4 (Thompson)	190,837	30.74%	138,846	19,923	10,923	21,145	67,059
5 (Edwards)	137,771	-5.62%	112,105	11,450	6,044	8,172	21,950
6 (Russell)	115,180	-21.09%	36,042	64,223	3,538	11,377	23,463

2012 - VOTING AGE POPULATION OF DISTRICTS BY RACE

District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	142,360	-2.47%	105,511	13,301	13,318	10,230	26,063
2 (Brummer)	138,711	-4.97%	83,399	38,572	4,486	12,254	25,073
3 (Martinez)	155,001	6.19%	116,953	14,434	4,911	18,703	59,296
4 (Thompson)	136,270	-6.64%	94,498	15,389	9,549	16,834	54,435
5 (Edwards)	164,376	12.61%	133,469	13,504	7,289	10,114	26,966
6 (Russell)	139,091	-4.71%	46,863	72,567	4,982	14,679	28,452

2001 DISTRICTS - VOTING AGE PERCENTAGE OF DISTRICTS BY RACE

District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	184,169	26.17%	71.32%	11.85%	8.51%	8.32%	19.01%
2 (Brummer)	122,689	-15.95%	56.81%	31.54%	3.00%	8.65%	17.44%
3 (Martinez)	125,163	-14.25%	74.02%	9.31%	3.74%	12.93%	41.07%
4 (Thompson)	190,837	30.74%	72.76%	10.44%	5.72%	11.08%	35.14%
5 (Edwards)	137,771	-5.62%	81.37%	8.31%	4.39%	5.93%	15.93%
6 (Russell)	115,180	-21.09%	31.29%	55.76%	3.07%	9.88%	20.37%

2012 - VOTING AGE PERCENTAGE OF DISTRICTS BY RACE

District (Commissioner)	Total Population	Deviation	White	Black	Asian	Other	Hispanic
1 (Boyd)	142,360	-2.47%	74.12%	9.34%	9.36%	7.19%	18.31%
2 (Brummer)	138,711	-4.97%	60.12%	27.81%	3.23%	8.83%	18.08%
3 (Martinez)	155,001	6.19%	75.45%	9.31%	3.17%	12.07%	38.26%
4 (Thompson)	136,270	-6.64%	69.35%	11.29%	7.01%	12.35%	39.95%
5 (Edwards)	164,376	12.61%	81.20%	8.22%	4.43%	6.15%	16.41%
6 (Russell)	139,091	-4.71%	33.69%	52.17%	3.58%	10.55%	20.46%

MEMORANDUM

To: 2020 Orange County CRC Members

From: Camille Evans, Chair

Re: Proposed Charter Review Topics – Various Topics Regarding Land Use and Zoning

Date: May 31, 2019

General. The Sierra Club Central Florida presented (at the April 11, 2019 Meeting) and submitted (via email on May 1, 2019) to the 2020 Orange County Charter Review Commission (the "2020 CRC"), four topics relating to land use and zoning.

Proposal #1. Up Zoning from Agriculture Outside the Urban Service Area: Recommend zoning change go to the voters of Orange County.

Applicable Charter Sections. None specified.

Has this issue been addressed by any of the last five Charter Review Commissions? No

Action Taken by each of the last five Charter Review Commissions. N/A

Information Available to the 2020 CRC on this Topic.

- None, at this time.

Proposal #2. Adoption of Ordinances Increasing Land Use Density or Intensity: When amending Orange County's Comprehensive Plan which increases allowable land use density or intensity located within the rural service area, shall require an affirmative vote of a majority plus one of the full membership.

Applicable Charter Sections. None specified.

Has this issue been addressed by any of the last five Charter Review Commissions? Yes

Action Taken by each of the last five Charter Review Commissions. No

Information Available to the 2020 CRC on this Topic.

- 2016-03-16 Protection of Rural Boundaries Work Group Final Report

- <https://occompt.legistar.com/LegislationDetail.aspx?ID=3969162&GUID=6BC1EAA1-CECD-4E70-8C6B-2E87F7E7990C>

Proposal #3. Adoption of ordinances relating to the urban service area boundary: Any Ordinance amending Orange County Comprehensive Plan which either: 1) adds lands lying outside the Urban Service Area boundary to the Urban Service Area, 2) establishes new Future Land Use Overlay Districts which increase the allowable land use density or intensity of lands lying outside the USA Boundary, or 3) adds lands outside the USA Boundary to either the Settlement Area Overlay and Affordable Housing Overlay – shall be fiscally neutral and shall require the unanimous affirmative vote of the full membership of the board of county commissioners.

Applicable Charter Sections. None specified.

Has this issue been addressed by any of the last five Charter Review Commissions? Yes

Action Taken by each of the last five Charter Review Commissions. No

Information Available to the 2020 CRC on this Topic.

- 2016-03-16 Protection of Rural Boundaries Work Group Final Report
 - <https://occompt.legistar.com/LegislationDetail.aspx?ID=3969162&GUID=6BC1EAA1-CECD-4E70-8C6B-2E87F7E7990C>

Proposal #4. Dedicated funding for Green Place Land Acquisition Program.

Applicable Charter Sections. None specified.

Has this issue been addressed by any of the last five Charter Review Commissions? No

Action Taken by each of the last five Charter Review Commissions. N/A

Information Available to the 2020 CRC on this Topic.

- None, at this time.



2016 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Final Report to the CRC **Protection of the Rural Boundary Work Group**

Work Group Members:

Doug Gondera, Chair
Pat DiVecchio
Cheryl Moore

During the CRC meeting held on November 12, 2015, the 2016 CRC created the Protection of the Rural Boundary Work Group to study a proposal for protection of the rural areas of the county.

At that same time, at the request of Chair Hawkins, the CRC reassigned the topic of the Urban Focus Amendment to this Work Group.

Based on its study, the Protection of the Rural Boundary Work Group recommends no changes to the Charter.

The Work Group also recommends transmitting a recommendation to the Mayor that she explore designating a staff member to serve as a Coordinator for Pine Hills as discussed in the Urban Neighborhood Focus Amendment proposal.

Overview of the Work Group Process

Over the past 3 months, the Protection of the Rural Boundary Work Group held 4 meetings, averaging 1.5 hours per meeting. The Work Group considered extensive public input provided during Work Group and CRC meetings. One of the first topics considered by Work Group members was the Urban Neighborhood Focus Amendment. In the course of consideration, the Work Group received information concerning the Pine Hills (NID) Neighborhood Improvement District. The emphasis of the Pine Hills NID is to bring business, citizens and government together to solve the challenges of the community. The Pine Hills NID was established in December 2011. It is managed by its Board of Directors, the Board of County Commissioners. The NID is comprised of an Advisory Council consisting of Pine Hills property owners. Lastly, the NID uses County staff from the Neighborhood Preservation & Revitalization Division.

County staff Lavon Williams, Manager of Neighborhood Preservation and Revitalization Division, and Michele Owens, Executive Director of the Pine Hills Neighborhood Improvement District presented on related matters. It was noted that neither Ms. Williams nor Ms. Owens is empowered to directly coordinate with county department heads on behalf of Pine Hills. Following staff's presentation, the Work Group moved that the Urban Neighborhood Focus Amendment will receive no further consideration as a charter amendment, and that a recommendation be made to transmit to a recommendation to the Mayor that she explore designating a staff member to serve as a Coordinator for Pine Hills, empowered to directly coordinate with county department heads on behalf of Pine Hills. Work Group members believe that the Charter is not an appropriate mechanism to address these issues raised by the public.

The Work Group also studied issues regarding protection of the rural boundary areas, specifically changes to Section 207 of the Charter. Based upon requested changes submitted through Save Orange County, a Citizens Community Group, Work Group members requested that Attorney Vose review the Sarasota Charter Amendment presented as a model for the protection of the rural boundary area issue.

Attorney Vose reported that Sarasota County is the only Charter County in the State of Florida which requires a unanimous County Commission vote for Comprehensive Policy Plan amendments outside of the Urban Service Area (USA) or which expand the existing USA. Work Group members reviewed materials relating to Sarasota County ordinances.

County staff Greg Golgowski, AICP, Chief Planner, and Susan McCune, AICP, Project Manager, Planning Division, presented on the County's Comprehensive Plan. The Orange County Plan was adopted in 1991; amendments are allowed to address changing conditions. Staff noted that Florida Statutes require that the Future Land Use Element and any amendment to the Future Land Use Element discourage the proliferation of urban sprawl. An amendment is deemed to discourage the proliferation of sprawl if it incorporates a development pattern or urban form that achieves 4 or more of 8 indicators. [Exhibit A]

The Orange County Plan includes an USA established to direct growth into the areas supported by central utilities. Expanding the USA must include data demonstrating that efficient provision of infrastructure, protection of the environment, and land use compatibility can be accomplished.

Staff presented on the County Comprehensive Policy Plan amendment process including community meetings, Local Planning Agency (LPA) hearings, and BCC hearings.

Finally, the Work Group heard extensive testimony and conflicting views on the issue. [Exhibit B]

The Work Group directed CRC staff to compile data relative to Comprehensive Policy Plan Amendments (CPPA) both at Transmittal and Adoption public hearings. This data reflects voting results during BCC public hearings. The data only reflects Comprehensive Policy Plan Amendments brought to a vote before the BCC and does not reflect CPPA's pulled by the applicant prior to a vote by the BCC. [Exhibit C]

Based upon the factors considered, the Work Group has made the following recommendations.

Recommendations

- Make no changes to Section 207, Powers of the Board of County Commissioners and no changes to the requirements for amending the Orange County Comprehensive Plan.
- Take no further action on The Urban Neighborhood Focus Amendment as a charter amendment.
- Recommend that the CRC transmit a recommendation to the Mayor that she explore designating a staff member to serve as a Coordinator for Pine Hills, empowered to directly coordinate with county department heads on behalf of Pine Hills.

EXHIBIT A

From: Susan.McCune@ocfl.net
To: rj@rjmuellet.net
Cc: [Charter; Golgowski, Gregory F \(BCC\)](#)
Subject: RE: Orange County CRC - 2016-01-12 Protection of the Rural Boundary Work Group Agenda
Date: Tuesday, January 12, 2016 6:38:27 PM

Good evening,

The list of criteria discussed at today's meeting came from the Orange County Comprehensive Plan as adopted from the Florida Statutes. The following is the link to the Comprehensive Plan <http://www.orangecountyfl.net/Portals/0/resource%20library/planning%20-%20development/Comprehensive%20Plan%20GOPS%202030.pdf> (see page FLU-8 through FLU 13).

The policies were mirror the statutory language found in F.S. 163.3177(6)(a)(9)(a) and (b) http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0100-0199/0163/Sections/0163.3177.html

Policy FLU1.3.1B

In accordance with Florida Statutes 163.3177(6)(a)(9)(b), an amendment to the Comprehensive Plan shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

1. Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems;
2. Promotes the efficient and cost-effective provision or extension of public infrastructure and services;
3. Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available;
4. Promotes conservation of water and energy;
5. Preserves agricultural areas and activities, including silvacultural, and dormant, unique, and prime farmlands and soils;
6. Preserves open space and natural lands and provides for public open space and recreation needs;
7. Creates a balance of land uses based upon demands of residential population for the nonresidential needs of an area;
8. Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

~Susan

Susan McCune, AICP

Project Manager
Planning Division
Community, Environmental,
and Development Services
407.836.0952

EXHIBIT B

Date Presented	Presented by	Topic(s)
5/14/2015	Pete Clarke, District 3 Orange County Commissioner	Protection of rural enclaves rather than rural settlements
6/9/2015	Bertina Busch	Establish an Unincorporated Urban Census Designated Office of Administrative Coordination in Orange County for the need for redevelopment
6/9/2015	Kenneth Dwyer	Establish an Unincorporated Urban Census Designated Office of Administrative Coordination in Orange County for the need for redevelopment
7/9/2015	Bertina Busch	Establish an Unincorporated Urban Census Designated Office of Administrative Coordination in Orange County for the need for redevelopment
7/9/2015	Noel Busch	Establish an Unincorporated Urban Census Designated Office of Administrative Coordination in Orange County for the need for redevelopment
8/13/2015	Steve Micciche	Asked the CRC to hold the unincorporated areas of East Orange County as rural East of the Econ River and West of the Econ River can stay urban
8/13/2015	Jimmy Hester	Encourage the CRC to put on the ballot the protection of the East side of town at the rural boundary
10/8/2015	David Siegel	Asked the commission to impanel a committee to look into the conflict the community has with builders wanting to develop East of the Econ
10/8/2015	Thomas Glover	Asked for protection to the green space that the citizens are asking to preserve
11/12/15	Jennifer Rey	Does not want any more houses developed until the roads are improved
11/12/15	Richard Andrade	<ul style="list-style-type: none"> a) Entitlements were meant to be the exception of the rule, not the rule itself b) The 2013 Comprehensive Land Use Plan specifies rules and regulations that must be followed and met to develop land in Orange County c) It has its own internal processes on how the document could be modified. d) The BCC and the developers have not followed the rules in the Comprehensive Plan; they are using text amendments on the zoning to circumvent certain aspects of the Comprehensive Plan e) Giving the residents of Orange County the opportunity to vote on changing the standards by which the BCC operate under to allow major zoning changes is a much more fair procedure to slow down the pace in which new zoning changes are considered and ensures that the interest of all parties are judicially considered f) Strongly believes that the BCC meeting should have a unanimous vote to change property zoning

11/12/15	David Siegel	<ul style="list-style-type: none"> a) Sarasota County set up in there Charter that changes to the Comprehensive Plan or anything that increases the intensity or density has to have a unanimous vote of the BCC b) Impanel a new committee to look into the issue
11/12/15	Emily Bonilla	<ul style="list-style-type: none"> a) Developers are marketing their developments to the BCC as needed because we have increasing job demands and need homes to house the increase in population. However, the data says the opposite b) Give the people the say-so in what happens in regards to development. The people really do know what is best for them because they live it every day
11/12/15	Tom Glover	Asked the commission if there are any motions that can be taken to protect the rural areas, the green space that is within it, and all the assets that add to the diverse value to the county
11/12/15	Tom Narvt	<ul style="list-style-type: none"> a) Requested that the commission consider SaveOrangeCounty.org suggested additions to the Orange County Charter to help protect the rural services boundary as well as the Comprehensive Plan b) Put together a sub- committee to look at the amendments similar to what has been established in Sarasota and Seminole County that will help protect the people and the Comprehensive Plan
11/12/15	Elizabeth Hester	Submitted density information for review and consideration to work in favor of putting the SaveOrangeCounty.org additions to the Orange County Charter to help protect the rural services boundary and Comprehensive Plan
11/12/15	William Lutz	Gathered 7,531 petition that say no to more urban sprawl in the rural service area and to protest efforts to rezone the rural lands to accommodate two mega Lake Pickett housing developments
11/12/15	Ariel Horner	<ul style="list-style-type: none"> a) East Orange County is in crisis of potentially having its environmental health compromised b) There are a lot of animals and waterways that need our protection if we cross the rural service area
11/12/15	John Lina	<ul style="list-style-type: none"> a) Submitted a letter from the 1000 friends of Florida b) Is interested in an amendment that says do not cross the urban service boundary with developments c) Looking for a unanimous or super majority vote from the BCC
11/12/15	Jimmy Hester	<ul style="list-style-type: none"> a) Need a voice b) Rural businesses have set-up shop East of the Econ making a living off of the lifestyle c) As a stakeholder who chose to move in a certain area with certain zoning, I plead for help to stop urban sprawl across the rural boundary East of the Econ with a unanimous vote.
11/12/15	Umut Kocaman	Asked for help because the county is going against the Comprehensive Plan and policies
11/12/15	Kelly Semrad	<ul style="list-style-type: none"> a) A majority of people in the local area is opposed to the development b) Concerned with the long-term vs. short-term economic gains from the developments c) Asked for some help

11/12/15	Marie Martinez	<ul style="list-style-type: none"> a) Asked to support the individuals who signed the petition b) Significant impact on traffic c) The people do not have much of a voice
11/12/15	Maria Bolton-Joubert	<ul style="list-style-type: none"> a) Lake Pickett North property is worthy of preservation and land acquisition b) Both north and south are part of a wildlife corridor that is of high conservation value c) Requested a meeting one weekend or evening a month for issues that impact people so they can have an opportunity to speak during public comment
11/12/15	Daisy Morales	Concerned with the quality of the Econ river and how the North and South Lake Pickett development may impact the river with the run of contamination.
11/12/15	John Pardo	Start listening to the public because they are the ones that can elect you back into office
11/12/15	Trini Quiroz	<ul style="list-style-type: none"> a) Understands the traffic issue b) The people have to be listened to
11/12/15	Bobby Beagles	<ul style="list-style-type: none"> a) The agreement with the BCC was that the sewer and water lines would never be increased b) There is not a development out there that is operating off of what was originally approved c) Asked for a unanimous vote from the BCC or 65% resident vote from the residents that live in the area to accept the conditions of the new developments
12/01/2015	Lavon Williams	Presented on the County's plans to revitalize and redevelop urban neighborhoods
12/01/2015	Michele Owens	Presented on the Pine Hills Neighborhood Improvement District
12/01/2015	David Siegel	<ul style="list-style-type: none"> a) Concerned that the whole county is going to end up being an urban sprawl b) Modeling Sarasota's higher threshold marginalizes some of the developers' influences
12/01/2015	Steve Healy	Thoroughly vet the issue to ensure there are no loopholes in the future
12/01/2015	Bobby Beagles	<ul style="list-style-type: none"> a) Is not against development and growth however, he is bothered when a vote comes up 100 to 1 against a project and the project still gets approved b) Is there is anything that can be done to help clean up the Pine Hills neighborhood, there are good people there
12/01/2015	Bill Lutz	Is really encouraged that the work group is looking into the matter especially when the feeling is that the citizens do not have a chance when developers and some politicians are involved

12/01/2015	Emily Bonilla	<ul style="list-style-type: none"> a) There are fewer jobs in the area than in 2010, so population growth does not always lead to economic growth b) Increasing the population in the area will make it harder for the citizens who live in the area to find work c) Suggested not combining the two topic - The Urban Neighborhood Focus Amendment and the Protection of the Rural Boundary
12/01/2015	Umut Kocaman	There are inconsistencies within the County's meeting reports
12/01/2015	John Lina	Keep the loopholes in mind when making a decision
12/01/2015	Susan McCune	<ul style="list-style-type: none"> a) As the Project Manager with the Planning Division, she would be happy to prepare a presentation for the work group to present at a future meeting b) The state requires the Planning Division to evaluate and apprise the Comprehensive Plan and one of the things they are contemplating is how to divide the county into smaller sections for Planning which speaks to the problem of coordination of information in the Pine Hills area
12/01/2015	Ken Dwyer	Requested that the Mayor and County Administration designate a person as a coordinator for the census-designated places like Pine Hills
12/01/2015	Tim Haberkamp	The Pine Hills community council would like a person to be appointed as a coordinator with knowledge of all of the work being done in the neighborhood instead of having to call different departments to get answers
12/10/15	R. J. Muller	Requesting an unanimous vote of the BCC on any zoning changes East of the Econ
12/10/15	David Siegel	The infrastructure tax could be looked into again and perhaps modified so that 50% can be used to purchase green space and the other percentage for roads and infrastructure
12/10/15	Noel Bush	Requested interdepartmental coordination and interjurisdictional collaboration in a manner that effectively represents the Pine Hills community
01/12/2016	Greg Golgowski	Presented an overview of the Orange County Comprehensive Policy Plan (CPP) specifically how a CPP amendment is processed through the County and State
01/12/2016	Susan McCune	
01/12/2016	Dwight Saathoff	<ul style="list-style-type: none"> a) The proposal is extremely undemocratic and un-American b) If each Commissioner has veto power, it encourages political patronage, political shenanigans, or corruption

01/12/2016	Emily Bonilla	<ul style="list-style-type: none"> a) There has been a change when someone goes to amend the comprehensive plan that is staff sponsored. She stated it can now be privately sponsored without staff sponsorship b) If a project is good, why wouldn't all of the Commissioners vote on it c) Having a unanimous vote will not stop good projects d) It will be difficult to find any hard data on the impacts of projects going forward because of the recession
01/12/2016	Maria Martinez	<ul style="list-style-type: none"> a) The public meetings were not neutral meetings. There were many people there in opposition of the projects presented b) The amount of time a citizen is allotted to present their concerns is not enough while developers are given unlimited rebuttal time during public meetings
01/12/2016	Umut Kocaman	Major decisions are made using unanimous vote so a unanimous vote is not a dictatorship
01/12/2016	David Siegel	Recommended calling Commissioner Aides to help gather information on the impacts
01/12/2016	Bob [Inaudible]	<ul style="list-style-type: none"> a) Agrees with Mr. Saathoff's comments b) Now is the time for growth
01/12/2016	R.J. Muller	Agrees with the comment that the proposal should not be for the entire county but instead just between the St. John's and the Econ because 75% of the rural land is in that area
01/12/2016	Bill Lutz	He has 8,431 petitions seeking rural protection
01/12/2016	Julie Kendrick [Phonetic]	<ul style="list-style-type: none"> a) The current proposal is more restrictive than what is in the Sarasota Charter b) A project specific issue that impacts the entire county is not appropriate for a Charter amendment
01/12/2016	Dan O'Keefe	<ul style="list-style-type: none"> a) The proposed amendment is an extreme proposal b) It is anti-growth, and tramples on a lot of the private property rights for the property owners that do own property outside of the Urban Service Area c) Urged the members not to support the proposal
01/12/2016	Kathy Hattaway [Phonetic]	One of the things the work group has not discussed if the proposal is passed is the unintended consequences
01/12/2016	Kathy Glover	Asked if the original property owners are land owners or homesteaders
01/14/16	Ken Dwyer	Presented submitted information to the CRC asking for support in providing the Pine Hills area with a coordinator

01/14/16	Kelly Semrad	<ul style="list-style-type: none"> a) Concerned with a possible conflict of interest based on a developer's comment made during a work group meeting on requiring a unanimous vote b) Concerned with the (8) eight principle indicators of urban sprawl that the state recommends and only having to achieve four (4) out of the eight (8). The minimum may not be the best guidelines
01/14/16	Tom Glover	Thanked the commission for their efforts
01/14/16	Emily Bonilla	<ul style="list-style-type: none"> a) Proposed that a new charter ballot initiative be reviewed by the committee to add to the County Charter ordinances that in order to prevent urban sprawl all of the state's eight (8) principles to prevent urban sprawl must be met b) Proposed that a new charter ballot initiative to be reviewed that will create stricter conflict of interest in reporting policies of the elected officials
02/09/2016	Katie Smith	Presented on the data compiled concerning the Board of County Commissioners voting on various CPP amendments from 2012 – 2015
02/09/2016	Ronald Brooke	Protect the land - there are developable areas within the boundaries for development which have been identified, don't destroy the rest of the land
02/09/2016	Dwight Saathoff	<ul style="list-style-type: none"> a) There is no unique resource, landmark creating compelling interest, or an area of critical state concern b) Restricting future growth in East Orange only means that all future Orange County growth will be disproportionately consolidated in other areas
02/09/2016	William Lutz	<ul style="list-style-type: none"> a) The records show that unanimous decisions are common by the BCC on these types of developer proposals b) Only the most sensitive and disputed rezoning issues tend to not have a unanimous decision
02/09/2016	Bob Tearadin [Phonetic]	Orange County should control government by majority rules, this is the democratic way
02/09/2016	Vivian Monaco	<ul style="list-style-type: none"> a) A charter amendment like this will make it more difficult to develop property in Orange County; which will in turn, make lots more expensive for home builders b) The home builders will go outside of the county to surrounding areas to buy lots to develop c) This will result in the outline counties having the more affordable homes for the people who work in Orange County d) It will be more difficult for property owners to develop their property

02/09/2016	Julie Kendrick [Phonetic]	<ul style="list-style-type: none"> a) The data does not show all the circumstances that go into the fact that a lot of the votes are unanimous or that projects go away before they make it to a vote b) If this is a project specific issue, she would respectfully submit that the charter is not an appropriate place to address a project specific issue
02/09/2016	David Axel	<ul style="list-style-type: none"> a) This proposal would restrict his property (forty acres at a traffic light) to one house and four cows. This is not fair or reasonable b) Requiring unanimous approval is not mora c) It is anti-private property rights; it seeks to enforce the status quo by imposing the will of the minority on other property owners without paying for their land
02/09/2016	Randy Fitzgerald	<ul style="list-style-type: none"> a) The implications of this for Orange County can be staggering b) Making the criteria to move an urban boundary to the point where it is almost prohibited is sending the wrong message to the developers and the investment community
02/09/2016	Cathy Hathaway[Phonetic]	<ul style="list-style-type: none"> a) The proposal is another no growth attempt cloaked in a rural protection package b) No growth policies have been shown time and time again to fail, they are not sustainable c) Request that the member reject the proposal
02/09/2016	Wayne Rich	<ul style="list-style-type: none"> a) The regional growth principle indicates how this region should grow b) This policy would fort those efforts in a major capacity and would be bad policy
02/09/2016	R. J. Mueller	<ul style="list-style-type: none"> a) They are not trying to stop people from developing land b) A unanimous vote from the BCC is being asked and based on the stats that were handed out; of the 230 votes only 10 were not unanimous
02/09/2016	Larry Simmons	<ul style="list-style-type: none"> a) Landowners have the right to develop their land in accordance with proper planning b) The issue is when we deviate from what is established c) There is a process within the procedures of Orange County to move the urban service boundary that has not been done

02/09/2016	Maria Martinez	In the early 90's when the Comprehensive Plan was first to be established across the state, the citizens and the BCC discussed the possibility of the entitlements. The agreement with residents was that just that area would be developed and services would be brought to the area with the agreement that if these areas were developed and if the residents agreed to these kinds of densities (these entitlements) then the rest of the area would not be developed. Now these entitlements are being used as justifications as to why it should be built further
02/09/2016	David Siegel	A standard was put in place and if you really need to go and violate or change those standards, you should have a really compelling reason.
02/09/2016	Emily Bonilla	Requested to add the following policies to the amendment: <ul style="list-style-type: none"> ○ Request to go back to the old determinations of urban sprawl ○ Request that all eight (8) determinations be followed instead of only four (4) ○ Request to include that landowners that want to do some rezoning or development on their property first offer their land to the county for sale
02/09/2016	Ken Dwyer	<ul style="list-style-type: none"> a) The CRC did not know they had to vote on the work group's recommendation to ask the Mayor to hire a person to coordinate the activities in Pine Hills b) Trying to get this work group to make sure it supplements its request to the CRC to get a coordinator for Pine Hills and some of the other areas
02/09/2016	Umut Kocaman	If the rezoning of a rural area is to the benefit of the county then all the Commissioners will agree and vote yes. Unanimous voting will not hurt anything
02/09/2016	Kelly Semrad	<ul style="list-style-type: none"> a) Reminded the members that the purpose of the work group is to determine whether or not a unanimous vote will hold merit for the rezoning of rural land to urban density b) Give it to the right of the people to have the opportunity to vote on this issue

02/09/2016	Dr. [Inaudible]	<ul style="list-style-type: none"> a) Supports growth, change, and development however; does not support it when it is at the expense of a very major stakeholder which is the residents b) One of the very critical principles of sustainable development is that you get all-inclusive stakeholder involvement and collaboration c) It is very clear that in this case, this principle is broken d) The residents of this area should be heard and a unanimous vote is absolutely necessary for the greater good and the well-being of the society
02/09/2016	Dan O'Keefe	<ul style="list-style-type: none"> a) Concerned that the amendment is driven on a project specific motivation and not sure that the Charter should address such an amendment b) Concerned with allowing one Commissioner to veto the determination of six other Commissioners c) The proposal is anti-growth, anti-property rights, anti-economic development, and asked the work group not to support the proposal
02/09/2016	Jimmy Hester	<ul style="list-style-type: none"> a) The need for a stronger Charter in East Orlando, East of the Econ b) Concerned with wildlife, rural businesses, and dangerous traffic situations c) Supports a stronger Charter like the model of Sarasota which requires a unanimous vote by the BCC but still gives the landowner the right to develop their property
02/09/2016	John Lina	<ul style="list-style-type: none"> a) Requested that the work group please take the matter into consideration b) It has the merit and deserves to be voted on by the citizens, not driven by the special interest
02/11/16	RJ Mueller	<ul style="list-style-type: none"> a) Disappointed in the work group meeting, how can the information and the will of the people be dismissed so easily b) Requested the work group be reopened and all options be reconsidered
02/11/16	Jimmy Hester	<ul style="list-style-type: none"> a) The result of the work group are sending shockwaves across rural businesses owners b) The will of the people are being ignored
02/11/16	David Bottomley [Phonetic]	The commission should take a look at preserving the urban boundaries, please consider what the future is going to be

02/11/16	Trini Quiroz Chair, The Black-Latino & P.R. Alliance for Justice	The people need a champion to represent the good of the people
02/11/16	Maria Bolton-Joubert	a) This item needs to be brought up for future and further discussion, needs more public attention, a better meeting time slot b) Wants more public access and transparency
02/11/16	Thomas Glover	Thanked the commission and citizens for protecting our rural areas
02/11/16	Emily Bonilla	a) The community is fighting to preserve their right to a rural lifestyle b) They invested in communities in an area that was promised to remain rural c) Asked that the conversation continue on the protection of the rural boundary with different members
02/11/16	Kelly Semrad	a) The work group's decision lacked reliability based on the following assumptions: <ul style="list-style-type: none"> • The proposal was not intended or stated to be project specific • It was stated that if a unanimous vote passed it would stagnate growth rates; however, data collected expressed the opposite • It is not the job of the CRC work group members to determine the actual items that go onto ballot, rather it is the job of the committee to determine what issues holds merit • When asked if the members would consider a less stringent approach of the proposal, the committee declined
02/11/16	Umut Kocaman	The way the work group handled the rural issue really discourages him to be involved, feels like they are not being heard
02/11/16	Tom Narvt	Pleaded that the CRC take the issue back to the committee, refine it, state that it does have merit, and put it on the ballot
02/11/16	David Siegel	Asked to reestablish the work group with different people or move to the CRC Issues committee for reconsideration
02/11/16	Cheryl Coats	b) Our representatives need to be listening to their constituents and not catering to the developers and lawyers c) Save the last rural development, don't destroy it
02/11/16	Ariel Horner	Our water resources will be disturbed if you choose not to protect the rural boundary

EXHIBIT C

2012 CPP Amendments Voting Status

	Unanimous	6-1	5-2	4-3	Motion Failed	Commissioner Absent / Abstain from Vote
TRANSMITTAL						
21-Feb-2012						
2012-1-A-1-1	1					
2012-1-A-3-1		1				Commissioner Brummer voted No
2012-1-A-4-1	1					
2012-1-A-5-1	1					
2012-1-B-FLUE-1	1					
2012-1-B-FLUE-2	1					
2012-1-B-FLUE-4	1					
2012-1-B-FLUE-5	1					
2012-1-B-FLUE-6	1					Commissioner Russell - Absent
2012-1-B-CP-1	1					Commissioner Russell - Absent
TOTALS	8	1	0	0	0	2
ADOPTION						
19-Jun-2012						
2012-1-A-1-1	1					Commissioners Boyd & Martinez - Absent
2012-1-A-5-1	1					Commissioners Boyd & Martinez - Absent
2012-1-A-3-1	1					County Mayor Jacobs- Absent
2012-1-A-4-1	1					
2012-1-B-FLUE-1	1					Commissioner Martinez - Absent
2012-1-B-FLUE-2	1					Commissioner Martinez - Absent
2012-1-B-FLUE-4	1					
2012-1-B-FLUE-5	1					
2012-1-B-FLUE-6	1					
2012-1-B-CP-1	1					
2012-1-S-1-2	1					
2012-1-S-1-3	1					
2012-1-S-3-1	1					
2012-1-S-3-2	1					

2012-1-S-4-1	1								
2012-1-S-4-2	1								
2012-1-S-4-3	1								
2012-1-S-4-4	1							Commissioner Martinez & Russell - Absent	
2012-1-S-5-1	1							Commissioner Martinez	
2012-1-S-2-1	1							Commissioner Martinez	
TOTALS	20	0	0	0	0				11

TRANSMITTAL

31-Jul-2012

2012-2-A-5-1	1								
2012-2-B-FLUM-1									
	1							County Mayor Jacobs & Commissioner Edwards - Absent	
2012-2-B-FLUE-1	1								
								County Mayor Jacobs & Commissioner Edwards - Absent	
2012-2-B-FLUE-2	1							County Mayor Jacobs - Absent	
2012-2-B-FLUE-3	1							County Mayor Jacobs - Absent	
2012-2-B-NE-1	1							County Mayor Jacobs - Absent	
2012-2-B-CP-1	1							County Mayor Jacobs - Absent	
2012-2-B-CP-2	1							County Mayor Jacobs - Absent	
2012-2-B-CP-3	1							County Mayor Jacobs - Absent	
2012-2-B-TRAN-1	1							County Mayor Jacobs - Absent	
2012-2-B-TRAN-2	1								
TOTALS	11	0	0	0	0				11

ADOPTION

13-Nov-2012

2012-2-A-5-1	1
2012-2-B-FLUM-1	1
2012-2-B-FLUE-1	1
2012-2-B-FLUE-2	1
2012-2-B-FLUE-3	1
2012-2-B-NE-1	1
2012-2-B-CP-1	1
2012-2-B-CP-2	1
2012-2-B-CP-3	1
2012-2-B-TRAN-2	1

[illegible]

2013 CPP Amendments Voting Status

	Unanimous	6-1	5-2	4-3	Motion Failed	Commissioner Absent / Abstain from Vote
TRANSMITTAL						
29-Jan-2013						
2013-1-A-1-1	1					Mayor/Thompson Absent
2013-1-A-4-1	1					Thompson Absent
2013-1-A-5-1						
2013-1 -B-FLUM-1	1					Thompson Absent
2013-1-B-FLUM-2	1					Thompson Absent
2013-1-B-FLUE-1	1					Thompson Absent
2013-1-B-FLUE-2	1					Thompson Absent
2013-1-B-FLUE-3	1					Thompson Absent
2013-1-B-FLUE-4	1					Thompson Absent
2013-1-B-CP-1	1					Thompson Absent
TOTALS	9	0	0	0	0	
TRANSMITTAL						
23-Mar-2013						
2013-1-C-TRAN-1	1					Edwards & Moore Russell Absent
TOTALS	1					
TRANSMITTAL						
6-Aug-2013						
2013-2-A-1-1	1					
2013-2-A-1-2	1					
2013-2-A-1-3	1					
2013-2-A-1-4	1					
2013-2-A-3-1	1					
2013-2-A-4-1	1					Mayor Absent
2013-2-A-4-2	1					Mayor Absent

2013-2 -B-FLUE-1	1					Mayor Absent
2013-2 -B-FLUE-2	1					Mayor Absent
2013-2 -B-FLUE-3	1					Mayor/Thompson Absent
2013-2 -B-CP-1	1					Mayor/Thompson Absent
TOTALS	11	0	0	0	0	

ADOPTION

26-Mar-2013						
2013-1-C-TRAN-2	1					Commissioners Edwards & Moore Russell Absent
TOTALS	1	0	0	0	0	

ADOPTION

14-May-2013						
2013-1-A-1-1	1					
2013-1-A-4-1	1					
2013-1-B-FLUM-1	1					
2013-1-B-FLUM-2	1					
2013-1-B-FLUE-1	1					
2013-1-B-FLUE-2	1					
2013-1-B-FLUE-3	1					
2013-1-B-FLUE-4					1	Boyd, Brummer, Edwards & Moore Russell Voted No
2013-1-B-CP-1	1					
2013-1-S-5-1		1				Thompson Voted No
2013-1-S-2-1	1					
2013-1-S-2-2	1					
2013-1-S-3-1	1					
TOTALS	11	1	0	0	1	

ADOPTION

24-Sep-2013						
2013-1-C-TRAN-1		1				Edwards Voted No
TOTALS	0	1	0	0	0	

ADOPTION

19-Nov-2013

2013-2-A-1-2	1					
2013-2-A-3-1	1					
2013-2-A-4-1	1					
2013-2-A-4-2	1					
2013-2-B-FLUE-3	1					
2013-2-B-CP-1	1					
2013-2-A-1-1	1					
2013-2-A-1-3	1					
2013-2-B-FLUE-1	1					
2013-1-B-FLUE-2	1					
2013-2-S-3-1	1					
2013-2-S-5-1	1					
2013-2-S-1-1			1			Brummer & Clarke Voted No
2013-2-S-4-1	1					
2013-2-S-FLUE-1	1					
TOTALS	14	0	1	0	0	

2014 CPP Amendments Voting Status

	Unanimous	6-1	5-2	4-3	Motion Failed	Commissioner Absent / Abstain from Vote
TRANSMITTAL						
28-Jan-2014						
2014-1-A-4-2		1				Moore Russell Voted No
2014-1-A-1-2	1					Mayor Absent
						Edwards/Conflict
2014-1-A-1-3	1					Mayor Absent
2014-1-A-4-1	1					
2014-1-P-FLUE-1	1					
2014-1-A-1-1	1					
2014-1-B-FLUM-1	1					
2014-1-B-FLUE-1	1					
2014-1-B-FLUE-2	1					
2014-1-B-FLUE-3	1					
2014-1-B-FLUE-4	1					
2014-1-B-CP-1	1					
TOTALS	11	1	0	0	0	
ADOPTION						
3-Jun-2014						
2014-1-B-FLUM-1	1					
2014-1-B-FLUE-3	1					
2014-1-B-FLUE-4	1					
2014-1-B-CP-1	1					
2014-1-P-FLUE-1	1					Boyd Abstained
2014-1-A-1-1	1					Boyd Abstained
2014-1-A-1-2	1					Mayor/Edwards Absent
2014-1-A-4-1	1					Mayor Absent
2014-1-B-FLUE-1	1					Mayor Absent

16-Dec-2014

2014-2-A-4-3	1					Thompson Absent
2014-2-B-CP-1	1					Thompson Absent
2014-2-B-CP-2	1					Thompson Absent
2014-2-B-CP-3	1					Thompson Absent
2014-2-A-1-1	1					Thompson Absent
2014-2-A-1-2	1					Thompson Absent
2014-2-A-4-1	1					Thompson/Edwards Absent
2014-2-B-FLUE-1	1					Thompson Absent
2014-2-B-FLUE-2	1					Thompson Absent
2014-2-S-2-1	1					Mayor/Thompson Absent
2014-2-S-4-1	1					Mayor/Thompson Absent
2014-2-S-5-3	1					Mayor/Thompson Absent
2014-2-S-5-2	1					Thompson Absent
2014-2-S-FLUE-1	1					Thompson Absent
TOTALS	14	0	0	0	0	

2015 CPP Amendments Voting Status

	Unanimous	6-1	5-2	4-3	Motion Failed	Commissioner Absent / Abstain from Vote
TRANSMITTAL						
27-Jan-2015						
2015-1-A-1-2	1					
2015-1-A-1-3	1					
2015-1-A-1-5	1					
2015-1-A-3-1	1					
2015-1-A-3-2	1					
2015-1-A-4-1	1					
2015-1-A-4-2	1					Edwards Abstained
2015-1-B-FLUE-4	1					
2015-1-A-1-1	1					
2015-1-B-FLUE-1	1					
2015-1-B-FLUE-2	1					
2015-1-B-FLUE-3	1					
2015-1-B-TRAN-1	1					
TOTALS	13	0	0	0	0	
ADOPTION						
27-Jan-2015						
2014-2-A-5-1	1					
2014-2-S-5-1	1					
2014-2-S-FLUE-1	1					Thompson Absent
TOTALS	3	0	0	0	0	
ADOPTION						
16-Jun-2015						
2015-1-A-3-2	1					
2015-1-B-TRAN-1	1					

2015-1-A-1-5	1						
2015-1-A-4-1	1						
2015-1-B-FLUE-1	1						
2015-1-S-2-2	1						
2015-1-S-2-3	1						
2015-1-S-3-1	1						
2015-1-S-3-2	1						
2015-1-S-6-1	1						
2015-1-S-2-1	1						
2015-1-S-4-1 (Denied)				1			Boyd, Clarke, Thompson & Siplin Voted to Deny
2015-1-S-5-2	1						Nelson Absent
2015-1-S-5-3	1						Nelson Absent
2015-1-S-FLUE-1	1						Nelson Absent
TOTALS	14	0	0	1	0		

TRANSMITTAL

28-Jul-2015

2015-2-A-1-2	1						
2015-2-A-1-3	1						
2015-2-A-1-4	1						
2015-2-A-1-7	1						
2015-2-A-2-1				1			Mayor/Clarke & Thompson Voted No
2015-2-A-3-1	1						Edwards Absent
2015-2-P-FLUE-2	1						
2015-2-A-1-5	1						
2015-2-B-FLUM-1	1						
2015-2-B-FLUM-2	1						
2015-2-B-FLUE-1	1						
2015-2-B-FLUE-2	1						
2015-2-B-FLUE-3	1						
2015-2-B-TRAN-1	1						
2015-2-B-TRAN-2	1						
2015-2-A-5-1			1				Clarke & Thompson Voted No
2015-2-P-FLUE-1			1				Clarke & Thompson Voted No
TOTALS	14	0	2	1	0		

ADOPTION**28-Jul-2015**

2015-1-A-1-2	1						Mayor Absent
2015-1-A-1-3	1						Mayor Absent
2015-1-B-FLUE-4	1						
2015-1-A-1-1	1						
2015-1-B-FLUE-3	1						
Ordinance 2015-1 Regular Cycle	1						
TOTALS	6	0	0	0	0		

ADOPTION**17-Nov-2015**

2015-2-B-FLUE-3	1						Siplin Absent
2015-2-B-FLUM-1	1						Siplin Absent
2015-2-B-FLUM-2	1						Siplin Absent
2015-2-B-TRAN-1	1						Siplin Absent
2015-2-B-TRAN-2	1						Siplin Absent
2015-2-A-1-7	1						Siplin Absent
2015-2-A-1-2	1					Edwards, Siplin and Thompson Absent	
2015-2-A-1-4	1						Siplin Absent
2015-2-A-2-1	1						Siplin Absent
2015-2-A-3-1	1						Siplin Absent
2015-2-B-FLUE-1	1					Clarke and Siplin Absent	
2015-2-B-FLUE-2	1					Edwards and Siplin Absent	
2015-2-S-2-3	1						Siplin Absent
2015-2-S-4-1	1						Siplin Absent
2015-2-S-4-2	1						Siplin Absent
2015-2-S-6-2	1						Siplin Absent
2015-2-S-2-4	1						Siplin Absent
2015-2-S-FLUE-1	1						Siplin Absent
TOTALS	18	0	0	0	0		

Suggest area for Charter location: Article X Section 201
Article X will be a new article – Title: Growth Management
Title: Rural Land Protection:

When amending Orange County's Comprehensive Plan which increases allowable land use density or intensity located within the rural service area, shall require an affirmative vote of a majority plus one of the full membership of the Board of County Commissioners.

Supporting Docs: Sarasota June 2008 Charter
Section 2.2

Why the issue: Protecting rural lands has been an issue in Orange county since the 1970's. Orange County has seen a rapid unfettered land grabs at our rural lands to the destruction of our agriculture roots. Rural Citizen have been upset during this time, finally an attempt was made in 2016 with the 2016 CRC to resolve this issue, but alas nothing happened.

This proposal is to protect the future generations from Climate change – It is a carbon avoidance to discourage urban sprawl.

This propose strategy will help fulfill urban infill goals, objectives and policies of the Orange County Comprehensive Plan as well as Infill Master Plan.

Suggest area for Charter location: Article X Section 101
Article X will be a new article – Title: Growth Management

Section Title: Annexation by Municipalities:

Annexation in an unincorporated protection, shall require an affirmative vote of a majority plus one of the full membership of the Board of County Commissioners. Voluntary annexation in an unincorporated rural neighborhood requires approval by a majority plus one of the Board of County Commissioners and a majority of the registered electors residing within the boundaries of the unincorporated rural neighborhood voting on the question. All voluntary annexations shall require prior notice to the county as established by ordinance. The unincorporated protection area is defined as all unincorporated lands located outside of the urban service area established in the Orange County Comprehensive Plan. Areas eligible to be designated by ordinance as unincorporated rural neighborhoods must be located in the unincorporated protection area and are limited to recorded subdivisions and antiquated subdivisions as defined in the Orange County Comprehensive Plan.

Supporting Docs: Palm Beach July 2009 Charter

Why the issue: Protecting unincorporated rural neighborhood has been an issue in Orange county since the 1970's. Orange County has seen 'land grabs' at our unincorporated rural neighborhoods to the destruction of their chosen lifestyle without inputs from those Citizens. Citizen have been upset at this behavior. Finally, an attempt was made in 2016 with the 2016 CRC to resolve this issue, but alas nothing happened.

This proposal is to protect the future generations from Climate change – It is a carbon avoidance to discourage urban sprawl.

Suggest area for Charter location: Article X Section 202
Article X will be a new article – Title: Growth Management

Title: Rural Land Protection: Urban Service Area Boundary

Adoption of Ordinances Relating to the Urban Service Area Boundary: Any Ordinance amending Orange County Comprehensive Plan which either:

- 1) adds lands lying outside the Urban Service Area boundary to the Urban Service Area,
- 2) establishes new Future Land Use Overlay Districts which increase the allowable land use density or intensity of lands lying outside the USA Boundary, or
- 3) adds lands outside the USA Boundary to either the Settlement Area Overlay and Affordable Housing Overlay – Shall be fiscally neutral and SHALL require the unanimous affirmative vote of the full membership of the Board of County Commissioners.

Supporting Docs: Sarasota June 2008 Charter
Section 2.2

Why the issue: Protecting rural lands has been an issue in Orange county since the 1970's. Orange County has seen a rapid unfettered land grabs at our rural lands to the destruction of our agriculture roots. Rural Citizen have been upset during this time, finally an attempt was made in 2016 with the 2016 CRC to resolve this issue, but alas nothing happened.

This proposal is to protect the future generations from Climate change – It is a carbon avoidance to discourage urban sprawl.

This propose strategy will help fulfill urban infill goals, objectives and policies of the Orange County Comprehensive Plan as well as Infill Master Plan.

Suggest area for Charter location: Article X Section 203
Article X will be a new article – Title: Growth Management
Title: Rezoning of Agriculture lands:

If Agriculture land is outside the Urban Service Area; Changing zoning from Agriculture to any other type of zoning. The change shall go to the voters of Orange County to decide if they will support this change.

Supporting Docs:

<https://www.planning.org/policy/guides/adopted/agricultural.htm>.

Why the issue: Protecting Agriculture land in Orange county is very important component to our economy beside production of foods locally is a value.

Orange County citizens have been subsidizing Agriculture taxes for decades by allowing a large property tax reduction up to 97% to land define e.g. A-1, A-2 etc. In effect Orange County citizens non-farmers have increase our tax burden so Farmers can continue the tradition of growing food in Orange County because as a society we value Agriculture. Orange County citizens should have the right to vote on if Agriculture land can be removed from production and be destroyed for development with a rezoning. If land is removed as Agriculture then a heavy penalty should be leveled to recoup those previous tax reductions for a certain time period.

American Planning Association issue a Policy Guide on Agriculture Land Preservation (see link). The loss of this land is a loss not only in Agriculture products but many other Benefits e.g. Open space, Environmental services that a nature system provides, etc.

This proposal is to protect the future generations from Climate change – It is a carbon avoidance to discourage urban sprawl.

MEMORANDUM

To: 2019-2020 Orange County Charter Review Commission

From: Lee Steinhauer, Esq.

Re: CRC issue for consideration related to unlicensed contractor program

Date: April 9, 2019

Issue(s) for Consideration

The Orange County Comptroller's office performed an audit of Orange County's Consumer Fraud Unit's Unlicensed Contractor Program ("Program) and issued a report regarding same in April 2017. The audit reviewed the Program and provided recommendations for improvement.

One of the findings of the audit was that County investigators were unable to enforce unlicensed contractor rules within incorporated cities in Orange County. Even though County investigators became aware of unlicensed contracting activity in those cities, they were unable to take any action due to jurisdictional issues.

As such, one of the audit's recommendations for improvement was for the Consumer Fraud Unit to work with the County to consider entering into interlocal agreements to authorize review of complaints and the issuance of citations within municipalities that do not investigate complaints within their jurisdictions.

Consumer Fraud Unit management provided the following response, recited in the audit, to the recommendation:

"Our office recently drafted in conjunction with the Division of Building Safety a 'survey monkey' which was sent to all of Orange County municipalities. We are presently waiting responses from the surveys. If the results from the survey prove positive, we will bring this issue before the BCC so we can receive the authority to enforce the ordinance countywide. By making these changes, it would enable our office to more effectively work our cases and receive information without the worries of jurisdictional boundaries. Each municipality handles the enforcement of unlicensed contracting differently."

Requested Action

Unlicensed contracting activity poses a threat to the health, welfare and safety of Orange County residents.

As such, and based upon the foregoing, I request that the CRC consider whether a potential charter amendment would be appropriate to allow the County to enter into interlocal agreements with incorporated County cities and municipalities to enforce unlicensed contracting activity.

Audit of Orange County Consumer Fraud Unit's Unlicensed Contractor Program

**Report by the
Office of County Comptroller**

**Phil Diamond, CPA
County Comptroller**

County Audit Division

Christopher J. Dawkins, CPA, CIA
Director

Wendy D. Kittleson, CISA, CIA
Deputy Director

Scott Dezort, CPA
Audit Supervisor

**Report No. 463
April 2017**

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OFFICE OF THE COMPTROLLER

**ORANGE
COUNTY
FLORIDA**

PHIL DIAMOND, CPA
County Comptroller
County Audit Division
109 East Church Street, Suite 220
Post Office Box 38
Orlando, FL 32802
Telephone: 407-836-5775
www.occompt.com

April 24, 2017

Teresa Jacobs, County Mayor
And
Board of County Commissioners

We have conducted an audit of the Orange County Consumer Fraud Unit's unlicensed contractor program. The audit scope was limited to a review of the Consumer Fraud Unit's program for investigating unlicensed contracting complaints. The period audited was March 1, 2013 through August 31, 2015. In addition, controls through June 30, 2016 were considered during the review.

We conducted this audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Responses to our Recommendations for Improvement were received from the Administrator of the Orange County Consumer Fraud Unit and are incorporated herein.

We appreciate the cooperation of the personnel of the Orange County Consumer Fraud Unit during the course of the audit.

Phil Diamond, CPA
County Comptroller

c: Ajit Lalchandani, County Administrator
Lonnie Bell, Director, Family Services Department
Carlos Morales, Administrator, Orange County Consumer Fraud Unit

EXECUTIVE SUMMARY

Executive Summary

The Orange County Consumer Fraud Unit (Consumer Fraud) receives consumer complaints and initiates investigations into alleged unfair and deceptive business practices and attempts to resolve them. Consumer Fraud also issues civil citations to unlicensed contractors operating in unincorporated Orange County. The Orange County Code assigns Consumer Fraud to the supervision and control of the State Attorney's Office. However, the Orange County Board of County Commissioners funds the office's four employees.

The audit scope included a review of Consumer Fraud's program for investigating unlicensed contractor complaints and compliance with Article IX of the Orange County Code. The period audited was March 2013 through August 2015. In addition, controls through June 2016 were considered during the review. The audit objectives were to ensure that:

- Controls over initiating, investigating, and enforcing complaints of unlicensed contractor activity are adequate; and,
- Citations issued during the audit period complied with Section 9-325 of the Orange County Code.

In our opinion, controls over initiating, investigating, and enforcing complaints of unlicensed contractor activity are adequate. However, the controls for monitoring and collecting issued citation fines are not adequate. In addition, based on the results of our testing, citations issued during the audit period materially complied with Section 9-325 of the Orange County Code. Opportunities for improvement are discussed herein. Specifically, we noted the following:

Five of the seven citation case files reviewed did not document that a violation had occurred in unincorporated Orange County. Of those five citations, three citations were issued for advertising contracting services on the Internet. Two citations involved addresses within incorporated Orange County cities, which are outside of Consumer Fraud's jurisdictional authority. In addition, deadlines to pay applicable fines or request hearings were revised for three citations without any documented explanation.

Procedurally, unlicensed contractor investigations found by Consumer Fraud within incorporated cities are forwarded to the appropriate jurisdiction for investigation. However, some municipalities within the County may choose not to allocate the necessary resources to investigate complaints, which would result in Orange County citizens within those municipalities not being protected from unlicensed contractors. Consumer Fraud should work with the County to consider entering into inter-local agreements to authorize review of complaints and the issuance of

citations within municipalities that do not investigate complaints within their jurisdiction.

Additionally, procedures for collecting citation penalties are not adequate. Our testing of a sample of citations issued during the audit period found that less than \$2,000 of the \$7,100 assessed was collected. No additional follow-up to determine if a citation is paid or additional collection procedures are performed after a case is closed.

Recommendations for Improvement were developed and discussed with Consumer Fraud. Consumer Fraud concurred with all of our recommendations and steps to implement the recommendations are underway. Responses to the Recommendations for Improvement are included herein.

ACTION PLAN

AUDIT OF THE ORANGE COUNTY CONSUMER FRAUD UNIT'S UNLICENSED CONTRACTOR PROGRAM ACTION PLAN

NO.	RECOMMENDATIONS	MANAGEMENT RESPONSE			IMPLEMENTATION STATUS	
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR	UNDERWAY	PLANNED
1.	Consumer Fraud should:					
A)	Implement procedures requiring supervisory review and approval for each citation issued. In addition, any changes to an issued citation should be adequately documented and approved by the supervisor.	✓			✓	
B)	Work with the County to consider entering into inter-local agreements to authorize review of complaints and the issuance of citations within municipalities that do not investigate complaints within their jurisdictions.	✓			✓	
2.	Consumer Fraud should:					
A)	Develop and implement citation collection procedures, including continually monitoring and follow-up of unpaid fines.	✓			✓	
B)	Retain evidence of all citation amounts reported as paid.	✓			✓	
C)	Work with the County Attorney's office to establish a lien process for unpaid citations.	✓			✓	

INTRODUCTION

INTRODUCTION



Audit of Orange County Consumer Fraud Unit's
Unlicensed Contracting Program

Background

The Orange County Consumer Fraud Unit (Consumer Fraud) was initially created in November 1978 to implement a consumer protection program. Since the program's first two years were considered successful in protecting the interests of both consumers and reputable contractors, the Orange County Board of County Commissioners (Board) passed the "Orange County Consumer Protection Ordinance" in 1980.

Consumer Fraud receives consumer complaints and initiates investigations into alleged unfair and deceptive business practices and attempts to resolve them. Consumer Fraud also issues civil citations to unlicensed contractors operating in unincorporated Orange County. Its primary duties are mediating civil disputes, attempting to obtain restitution for consumers, and referring criminal investigations to the State Attorney, Ninth Judicial Circuit. From March 1, 2013 through August 31, 2015 Consumer Fraud investigated 225 cases of unlicensed contracting.

The Orange County Code places Consumer Fraud under the supervision and control of the State Attorney's Office. However, the Board funds the office's four employees. Consumer Fraud was previously under the oversight of Public Safety and the Office of Public Engagement & Citizen Advocacy before being placed under the Department of Family Services in 2013.

The Board amended various provisions in the building and construction regulations in March 2013 to address the rise in unlicensed contractor activity and the negative impact on consumers and reputable contractors.

Consumer Fraud's Vision Statement for the Unlicensed Contractor Program emphasizes issuing citations and participating with other agencies, whenever possible, in the enforcement of laws, rules and regulations. In addition, it provides informative programs for the public to enhance consumer awareness.

Scope, Objectives, and Methodology

The audit scope included a review of Consumer Fraud's program for investigating unlicensed contractor complaints.

INTRODUCTION



Audit of Orange County Consumer Fraud Unit's
Unlicensed Contracting Program

The period audited was March 1, 2013 through August 31, 2015. In addition, controls through June 30, 2016 were considered during the review. The audit objectives were to ensure the following:

- Controls over initiating, investigating, and enforcing complaints of unlicensed contractor activity are adequate; and,
- Citations issued during the audit period complied with Section 9-325 of the Orange County Code.

To achieve our objectives, we performed the following tests:

- Reviewed a sample of unlicensed contractor cases recorded in Consumer Fraud's logs and reviewed the file documents to ensure the conclusions reached were adequately documented.
- Examined a sample of citations issued to confirm that the citations were prepared in accordance with the Orange County Code.
- Reviewed the County's financial records to ascertain whether the citation fines were collected.

Overall Evaluation

In our opinion, controls over initiating, investigating, and enforcing complaints of unlicensed contractor activity are adequate. However, the controls for monitoring and collecting issued citation fines are not adequate. In addition, based on the results of our testing, citations issued during the audit period materially complied with Section 9-325 of the Orange County Code. Opportunities for improvement are discussed herein.

RECOMMENDATIONS FOR IMPROVEMENT

RECOMMENDATIONS FOR IMPROVEMENT



Audit of Orange County Consumer Fraud Unit's
Unlicensed Contracting Program

1. Citation Preparation Procedures Should Be Improved

Section 9-324 of the Orange County Code (County Code) forbids a person or entity from engaging, advertising, or acting in the capacity of a contractor in unincorporated Orange County without being duly certified, licensed, or registered as a contractor. Section 9-325, authorizes Consumer Fraud investigators to issue a citation to a person whenever there are reasonable and probable grounds to believe that based upon the officer's investigation a violation of section 9-324 has occurred. Section 9-326 provides that a person who has been served with a citation shall either:

- 1) Correct the violation and pay the civil penalty in a manner indicated on the citation; or,
- 2) Within ten (10) days of receipt of the citation, exclusive of weekends and legal holidays, make a request in writing for an administrative hearing to challenge the issuance of the citation. Such written request is to be filed with the Orange County Building Official.

As part of our testing, we selected a sample of 18 unlicensed contractor investigations and reviewed the resulting seven citations. We observed the following:

- A) Five of the seven case files reviewed did not contain documentation that a violation had occurred in unincorporated Orange County. Three cases involved advertising for contracting services on the Internet. Therefore, the locations of any violations were not known. The other two citations involved addresses within the cities of Winter Park and Winter Garden, which are outside of the jurisdictional authority of Consumer Fraud to issue citations. Only one of the five citations issued without the proper authority had been paid at the time of the audit.

RECOMMENDATIONS FOR IMPROVEMENT



Audit of Orange County Consumer Fraud Unit's
Unlicensed Contracting Program

- B) Dates for the individuals cited for a violation to either pay the applicable fine or request an appellant hearing were revised for three citations issued without any explanation for the changes in the file.

Code Enforcement investigators should ensure that all complaints received are adequately investigated and documented prior to citation issuance. Unlicensed contractor investigations within Orange County municipalities should be forwarded to the appropriate jurisdiction for investigation. Alternatively, Consumer Fraud could establish inter-local agreements with municipalities to conduct the investigations. Some municipalities within the County may choose not to allocate the necessary resources to investigate complaints. If so, Orange County citizens within those municipalities would not be protected from unlicensed contractors.

Consumer Fraud's procedures do not require supervisory review prior to the issuance of citations. Prior to the issuance of a citation, each file and citation should be reviewed by a supervisor to ensure the required information is on the citation and included in the file. Any changes to an approved citation should also be adequately documented. A checklist prepared by the investigator referencing where the information is documented in the file could help ensure all required documents are included.

Recommendation:

Consumer Fraud should:

- A) Implement procedures requiring supervisory review and approval for each citation issued. In addition, any changes to an issued citation should be adequately documented and approved by the supervisor.
- B) Work with the County to consider entering into inter-local agreements to authorize review of complaints and the issuance of citations within municipalities that do not investigate complaints within their jurisdictions.

Management's Response:

Our office concurs with the recommendations.

- A) The audit recommends the implementation of supervisory reviews prior to an unlicensed construction citation being issued. Our office has developed a "Construction Case Worksheet" that the supervisor will review prior to any citation being issued. The form is also designed to identify other courses of action that the case can take (Criminal Filing, Referral, Civil Mediation etc.). For citations issued in the field, this recommendation is impractical as the investigator issues the citation based on personal observation and information obtained at the scene.

We have modified the changes in our procedures to have the investigator state the reasoning for changing the date for a citation or appeal. For the most part these were due to a change of address when we discovered that the violator had moved.

- B) For the citations issued based on information obtained on the Internet, we discovered the jurisdictional challenges and limitations the ordinance has as we are limited only to "Unincorporated Orange County" which leaves all Orange County Municipalities without the enforcement of this ordinance. When our office received information and leads from the general public, we discovered that the sender could not identify the exact location as to the location of the picture or facts and therefore precluding our investigators from issuing an unlicensed construction citation or being issued in error.

Our office recently drafted in conjunction with the Division of Building Safety a "survey monkey" which was sent to all of Orange County municipalities. We are presently waiting responses from the surveys. If the results from the survey prove positive, we will bring this issue before the BCC so we can receive the authority to enforce the ordinance countywide. By making these

RECOMMENDATIONS FOR IMPROVEMENT



changes, it would enable our office to more effectively work our cases and receive information without the worries of jurisdictional boundaries. Each municipality handles the enforcement of unlicensed contracting differently.

As of the beginning of 2015 thru the end of September 2016 there were a total of 239 Construction related cases.

2. Citation Fine Collection Procedures Should Be Improved

Procedures for collecting citation penalties are not adequate. Currently procedures for issued citations require the offender to pay the fine to the County's Building Safety Division. Periodically, the investigator reviews the records of fines paid and updates the case file if the fine is paid. After approximately four months, the case file is closed regardless of collection status. We reviewed 21 (totaling \$7,100) of the 42 citations issued during the audit period to assess whether the citation was served and collected. Our testing found only \$2,050 of the \$7,100 was collected. The following table shows the status of the uncollected citations.

Citation No.	Citation Amount Unpaid	Citation Issued	Citation Served	Case Closed
CC0001	\$500	9/3/13	Yes	11/04/13
CC0002	\$250	9/12/13	Yes	10/14/13
CC0015	\$300	1/24/14	Yes	4/17/14
CC0016	\$400	3/20/14	No	7/18/14
CC0020	\$800	7/28/14	Yes	11/05/14
CC0021	\$250	4/7/14	Yes	8/28/14
CC0023*	\$250	8/7/14	Yes	11/12/14
CC0024*	\$500	8/11/14	Yes	12/30/14
CC0026	\$400	10/3/14	Not Documented	1/06/15
CC0029	\$400	10/27/14	Yes	12/18/14
CC0037*	\$250	10/24/14	No	2/25/15
CC0039	\$250	6/15/15	Yes	9/03/15
CC0040	\$250	7/30/15	Yes	10/02/15
CC0041	\$250	8/5/15	Yes	1/26/16
Total	\$5,050			

* - Citations issued without documentation of County jurisdiction as noted in Recommendation for Improvement No. 1) above.

RECOMMENDATIONS FOR IMPROVEMENT



Audit of Orange County Consumer Fraud Unit's
Unlicensed Contracting Program

Relating to this, we had the following concerns:

- A) There are no written procedures for steps to be taken to monitor and collect outstanding citations. Section 9-329(a) of the County Code requires, "...Appropriate guidelines and procedures for the administration, collection, recordkeeping, reporting, and accountability of penalties assessed under this article."
- B) Evidence the citation was paid is not retained in the case file. In addition, the case file for one citation notes the citation was paid, yet no record of payment can be located in either Consumer Fraud or the Building Safety Division. As such, it appears the citation was not paid; or if paid, no record of deposit exists. Documentation of all amounts recorded as paid should be kept.
- C) No additional follow-up to determine a citation's payment status is performed after the case is closed. County Code Sections 9-329(b) and (c), allow further actions to be taken to collect unpaid citations¹.

Written collection procedures should be developed. These procedures should include responsibility for collection and documentation of amounts paid. In addition, Consumer Fraud should work with the County Attorney to establish additional procedures if citations are not paid timely. These procedures could include filing and executing liens and taking action in civil court.

¹ Sec. 9-329. - Collection and recovery of civil penalties

- (b) The county may institute proceedings in a court of competent jurisdiction to compel payment of civil penalties.
- (c) A certified copy of an order imposing a civil penalty may be recorded in the public records and thereafter shall constitute a lien against the real and personal property of the violator. The order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but shall not be deemed to be a court judgment except for enforcement purposes. After three (3) months from the filing of any such lien which remains unpaid, the county may foreclose or otherwise execute on the lien.

RECOMMENDATIONS FOR IMPROVEMENT



Audit of Orange County Consumer Fraud Unit's
Unlicensed Contracting Program

Recommendation:

Consumer Fraud should:

- A) Develop and implement citation collection procedures, including continually monitoring and follow-up of unpaid fines.
- B) Retain evidence of all citation amounts reported as paid.
- C) Work with the County Attorney's office to establish a lien process for unpaid citations.

Management's Response:

Our office concurs with the recommendations. The audit recommends the development and implementation of additional citation collection procedures, including the continual monitoring and follow up of unpaid fines. As part of the development of our new database system for the OC Consumer Fraud Unit, it has been requested that key collection datelines be available so follow up collection actions can be made. We'll coordinate with the OC Building Safety Department Personnel so we can coordinate and attain copies of payments so these can be placed in their files.

A copy of these findings have been forwarded to Orange County Legal for the development of the procedures for the filings of liens. We will incorporate any additional steps to our developing new database so that the process is duly documented and that due process is followed in order not to jeopardize the established procedures. We estimate that during FY 17-18 much of our efforts will be focused on implementing the changes of the audit. We will continue to work with our existing database and improve our procedures.

From: chuckforflorida@gmail.com
To: [Charter](#)
Subject: Proposed Agenda item for 7/10 CRC meeting
Date: Friday, June 21, 2019 3:42:08 PM
Attachments: [Draft WEBOR - 6_18_2019.docx](#)
[ATT00001.txt](#)

I would like to propose a charter amendment for the CRC to consider at the 7/10 meeting. This is the proposed charter amendment:

RIGHTS OF THE WEKIVA RIVER AND THE ECONLOCKHATCHEE RIVER

DRAFT HOME RULE CHARTER AMENDMENT Orange County, Florida

Summary:

Shall the Home Rule Charter for Orange County, Florida, be amended to recognize the rights of the Wekiva River and the rights of the Econlockhatchee River?

Text of the Amendment:

The Home Rule Charter for Orange County is amended to add Section 704.1 as follows:

Section 704.1

RIGHTS OF THE WEKIVA RIVER AND THE ECONLOCKHATCHEE RIVER

Preamble

WHEREAS, we the people of Orange County recognize that we live at a time of unprecedented species extinction, ecosystem collapse, and global warming;

WHEREAS, we recognize that environmental laws which regulate the use and exploitation of nature are incapable of protecting nature;

WHEREAS, Article II, Section 7, of the Constitution of the State of Florida, declares, "It shall be the policy of the state to conserve and protect its natural resources," and further, "Adequate provision shall be made by law for the abatement of air and water pollution;"

WHEREAS, in Orange County, and across our state, natural waterways, including the species and ecosystems which depend upon them, are increasingly at risk from pollution, global warming, algae blooms, red tide, and other threats; and

THEREFORE, we recognize that to protect nature, we must secure its highest protection through the recognition of legal rights, through the adoption of this Charter Amendment.

A. Rights of the Wekiva River and the Econlockhatchee River

The Wekiva River and the Econlockhatchee River possess rights, including but not limited to, the right to naturally exist, flourish, regenerate, and evolve; the right to restoration, recovery, and preservation; the right to abundant, pure, clean, unpolluted water; the right to natural groundwater recharge and surface water recharge; the right to a healthy natural environment and natural biodiversity; the right to natural water flow; the right to carry out their natural ecosystem functions; and the right to be free of activities or practices, as well as obstructions, that interfere with or infringe upon these rights.

B. Rights of the People

The people of Orange County possess the right to a healthy, flourishing Wekiva River ecosystem and Econlockhatchee River ecosystem; the right to pure, clean, unpolluted water, including the right to sustainably access, use, consume, and preserve water drawn from natural water cycles; the right to a healthy natural environment and natural biodiversity; and the right to be free of activities or practices that interfere with or infringe upon these rights.

C. Prohibitions

It shall be unlawful to violate any of the provisions of this Section.

D. Implementation and Enforcement

(1) Implementation and Enforcement by Orange County. The government of Orange County shall take all necessary actions to implement, defend, and enforce the provisions of this Section.

(2) Enforcement by the Wekiva River and the Econlockhatchee River. The Wekiva River and the Econlockhatchee River may enforce or defend the provisions of this Section through an action brought in the name of the river as the real party in interest. The Wekiva River and the Econlockhatchee River shall also have the right to intervene in any action concerning this Section in order to enforce or defend it.

(3) Enforcement by Residents of Orange County. Any resident of Orange County may enforce or defend the provisions of this Section in any appropriate court. Any resident shall also have the right to intervene in any action concerning this Section in order to enforce or defend it.

(4) Enforcement Actions and Burden of Proof. Where threats of violations of the rights secured in this Section are shown to exist, lack of full scientific certainty shall not be used as a reason for denying or postponing enforcement or defense of the provisions of this Section. The burden of proving the absence of a violation of rights shall lie with the proponent(s) of the activity in question, and not with the party or parties enforcing or defending the provisions of this Section.

(5) Penalties

(a) Civil Penalties: Any business or entity formed under the laws of Florida that, through culpable negligence violates any provision of this section shall be subject to a civil penalty in an amount of \$1,000 per day of violation.

(b) Criminal Penalties: Any business or entity formed under the laws of Florida, or individual acting on behalf or for the benefit of such an entity, that willfully and intentionally violates any provision of this section commits a first degree misdemeanor punishable as defined in s. 775.082

(6) Damages. Any business or entity formed under the laws of Florida that willfully violates any provision of this Section shall be liable for any damages caused to the Wekiva River or the Econlockhatchee River as a result of the violation. Damages shall be measured by the cost of fully restoring the Wekiva River or the Econlockhatchee River to its natural state before the violation, and shall be paid to Orange County to be used exclusively for the full and complete restoration of the river affected by the violation.

(7) Business or Government Entities. A business or government which violates any provision of this Section shall not be deemed to possess any of the rights, privileges, powers, or protections which would interfere with the enforcement of rights secured within this Section.

(8) The rights of the Wekiva River and the Econlockhatchee River secured within this Section shall not be interpreted to confer liabilities, duties, obligations, or responsibilities on the Wekiva River or the Econlockhatchee River.

E. Definitions

“Wekiva River,” for the purposes of this Section, shall mean the Wekiva River within Orange County, including its constituent tributaries, streams, watersheds, aquifers, springsheds, ecosystems, natural communities and the native species directly impacted by, or which directly impact, the Wekiva River within Orange County.

“Econlockhatchee River,” for the purposes of this Section, shall mean the Econlockhatchee River within Orange County, including its constituent tributaries, streams, watersheds, aquifers, springsheds, ecosystems, natural communities and the native species directly impacted by, or which directly impact, the Econlockhatchee River within Orange County.

From: chuckforflorida@gmail.com
To: [Charter](#)
Subject: Re: Proposed Agenda item for 7/10 CRC meeting
Date: Friday, June 21, 2019 5:55:47 PM
Attachments: [CELDF RIGHTS OF NATURE TIMELINE JUNE 2019.pdf](#)
[ATT00001.txt](#)

As background information for the proposed WEBOR charter amendment we submit the following:



Rights of Nature: Timeline

Updated June 2019

The **Community Environmental Legal Defense Fund (CELDF)** has been at the forefront of the Rights of Nature movement for over a decade, working in the first places in the world – including communities and states in the *United States*, as well as *Ecuador* – to advance Rights of Nature laws.

Today, **CELDF's International Center for the Rights of Nature** is working in the *U.S., Nepal, India, Australia, Mexico*, and other countries, in partnership with grassroots groups, communities, civil society, tribal nations, indigenous peoples, and governments, to advance the Rights of Nature at local, state, and national levels.

To learn more, contact rightsofnature@celdf.org or visit our website at www.celdf.org, where you can also find this timeline available in Spanish and French.

Below are key moments in the growing movement for legal Rights of Nature:

- In 2006, Tamaqua Borough, Pennsylvania, in the U.S., banned the dumping of toxic sewage sludge as a violation of the Rights of Nature. Tamaqua is the very first place in the world to recognize the Rights of Nature in law. Since 2006, dozens of communities in ten states in the U.S. have enacted Rights of Nature laws.
- In 2008, Ecuador became the first country in the world to recognize the Rights of Nature in its national constitution. In 2011, the first Rights of Nature court decision was issued in the Vilcabamba River case in Ecuador, upholding the Rights of Nature constitutional provisions.
- In 2010, Bolivia held the *World People's Conference on Climate Change and the Rights of Mother Earth*, where the *Universal Declaration on the Rights of Mother Earth* was issued. It has been submitted to the U.N. for consideration.
- In 2010, the *Global Alliance for the Rights of Nature* was formed. In 2014, the Global Alliance sponsored the first *Rights of Nature Tribunal* in Ecuador. Subsequent tribunals have now been held, including in Bonn in 2017.
- In 2010, Bolivia's Legislative Assembly passed the *Law of the Rights of Mother Earth*.
- In 2011, a campaign was launched in Nepal to advance the Rights of Nature. Today, Members of Parliament are considering a Rights of Nature constitutional amendment.

- In 2012, a campaign was launched in India to recognize rights of the Ganga River through national legislation. The campaign slogan is “Ganga’s Rights are Our Rights.”
- In 2012, the International Union for the Conservation of Nature (IUCN) adopted a policy to incorporate the Rights of Nature in its decision-making processes.
- In 2013, the campaign for the European Citizen’s Initiative for the Rights of Nature was launched. The initiative process allows citizens to present proposals to the European Union government for consideration.
- In 2014, the first state constitutional amendment to include Rights of Nature was proposed in Colorado, in the U.S. Efforts are now advancing in Ohio, Oregon, New Hampshire, and other states.
- In 2014, the New Zealand Parliament passed the *Te Urewera Act*, finalizing a settlement between the Tūhoe people and the government. The Act recognizes the Te Urewera – a former national park – as having “legal recognition in its own right.”
- In 2015, Sweden’s Riksdag considered a motion to create a commission to prepare a proposal on how the Rights of Nature can be incorporated into Swedish law.
- In 2015, Pope Francis, in calling for a new era of environmental protection, declared, “A true ‘right of the environment’ does exist...”
- In 2016, the Green Party of England and Wales adopted a Rights of Nature policy platform. The Greens in Scotland have taken similar steps.
- In 2016, the Ho-Chunk Nation took a first vote for a Rights of Nature tribal constitutional amendment, the first tribal nation in the U.S. to do so.
- In 2016, Colombia’s Constitutional Court ruled that the Rio Atrato possesses rights to “protection, conservation, maintenance, and restoration,” and established joint guardianship for the river shared by indigenous people and the national government.
- In 2016, the *Lake Erie Bill of Rights* was proposed by residents of Toledo, Ohio, in the U.S. City residents were prevented from voting on the measure in 2018 by the Ohio Supreme Court, but were successful in passing the law in 2019. It is the *first law* in the U.S. to secure legal rights of an ecosystem.
- In 2017, Mexico City incorporated language into the city constitution which requires a law to be passed which would “recognize and regulate the broader protection of the rights of nature formed by all its ecosystems and species as a collective entity subject to rights.”
- In 2017, the New Zealand Parliament finalized the *Te Awa Tupua Act*, granting the Whanganui River legal status as an ecosystem.
- In 2017, the High Court of Uttarakhand in India issued rulings recognizing the Ganga and Yamuna Rivers, glaciers, and other ecosystems as legal persons with certain rights.
- In 2017, Lafayette, Colorado, in the U.S., enacted the first *Climate Bill of Rights*, recognizing rights of humans and nature to a healthy climate, and banning fossil fuel extraction as a violation of those rights.
- In 2017, *Colorado River v. State of Colorado* was filed in U.S. federal court. In this first-in-the-nation lawsuit, an ecosystem sought recognition of its legal rights.

- In 2017, the international *Rights of Nature Symposium* was held at Tulane Law School in the U.S. The *Rights of Nature Principles* – outlining the central elements of Rights of Nature laws – were issued from the Symposium. The Principles are available at <https://celdf.org/rights-nature-symposium/>.
- In 2017, the Municipality of Bonito, in the State of Pernambuco in Brazil, enacted a rights of nature law, securing rights to “exist, thrive, and evolve.”
- In 2018, the Ponca Nation of Oklahoma, in the U.S., adopted a customary law on the rights of nature.
- In 2018, the Colombian Supreme Court recognized the Amazon as a “subject of rights.”
- In 2018, in Colombia, the Administrative Court of Boyacá recognized the Páramo in Pisba, a high Andean ecosystem facing significant mining, as a “subject of rights.”
- In 2018, the Municipality of Paudalho, in the State of Pernambuco in Brazil, enacted a rights of nature law.
- In 2018, the High Court of Uttarakhand in India recognized rights of the “entire animal kingdom.”
- In 2018, the White Earth band of the Chippewa Nation adopted the “Rights of the Manoomin” law securing legal rights of manoomin, or wild rice, a traditional staple crop of the Anishinaabe people. This is the *first law* to secure legal rights of a particular plant species. Rights of Manoomin was also adopted by the 1855 Treaty Authority.
- In 2019, the National Lawyers Guild in the U.S. amended the organization’s constitution to include the rights of nature, stating “human rights and the rights of ecosystems shall be regarded as more sacred than property interests....”
- In 2019, Uganda enacted the National Environmental Act of 2019 in which nature is recognized as having “the right to exist, persist, maintain and regenerate its vital cycles, structure, functions and its processes in evolution.”
- In 2019, residents of Exeter, New Hampshire, in the U.S., enacted a law securing the rights of nature, including the right to “a stable and healthy climate system.”
- In 2019, residents of Nottingham, New Hampshire, in the U.S., enacted a law securing the rights of nature, including the right to be free from “chemical trespass.”
- In 2019, the High Court in Bangladesh recognized legal rights of rivers.
- In 2019, the Yurok tribe in the U.S. recognized legal rights of the Klamath River.
- In 2019, the Punjab and Haryana High Court in India issued a decision declaring that all animals are legal persons with “corresponding rights, duties and liabilities of a living person.”
- In 2019, in Colombia, the Plata River was recognized as a “subject of rights.”
- In 2019, a workshop on the rights of nature was held in the Swedish Parliament, the Riksdag, the first event of its kind.

We need your help to advance the Rights of Nature. Please donate at celdf.org. Thank you!

www.celdf.org rightsofnature@celdf.org
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Ethics for appointing Lobbyist to Citizen Boards and Commissions: Prohibition

Suggest area for Charter location: New Section and Paragraph 707 G. and 707 G. 1.

707 G. Prohibition against appointing registered lobbyists for Non-elected Committee, Board and Commission positions. This will not apply to any position restricted by a Florida Statute.

Why the issue: This avoids conflicts of interest and promotes 'Good Government' to Orange county citizens; Belief that Government is as impartial as possible is fundamental to our open representative democracy. Living up to the Abraham Lincoln words "Government of the people, by the people, for the people ". While lobbyists testifying to Government provides an insight from their employer interest to those for Non-elected Committee, Board and Commissions, it is NOT clear to the public if a registered lobbyist sitting as a voting member whom they might be representing with their votes.

707 G. 1. Prohibition of 2 years after a citizen serving on Non-elected Committee, Board and Commission positions becoming a paid Lobbyist.

- This avoids the issue of the appearance of influencing decisions while serving the citizens.