

Orange County Government

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



Charter Review Commission Agenda - Final

Wednesday, September 4, 2019

6:00 PM

District 2 - Wekiva High School

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 Guests**

- District 2 Board of County Commissioner Christine Moore
- City of Apopka Mayor Bryan Nelson

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

- A. CRC-20-050 Approval and execution of the minutes of the August 7, 2019 District 1 Public Hearing of the Charter Review Commission (CRC).
Attachments: 2019-08-07 Draft CRC Meeting Minutes

IV. Chair Comments**V. Discussion Items**

- A. CRC-20-051 Proposed Charter Review Topic - School Concurrency
Attachments: 2019-09-04 V. A1 Steinhauer School Concurrency Proposal
2019-09-04 V. A2 Steinhauer OC School Capacity
- B. CRC-20-052 Proposed Charter Review Topic - Citizen-Initiated Charter and Ordinance Amendment Process
Attachments: 2019-09-04 V. B1 Santiago Citizen-Initiated Charter & Ordinance Proposal

VI. Committee Updates

- A. CRC-20-053 Rights of the Wekiva River and Econlockhatchee River Committee Meetings held on August 8 and 21, 2019
Attachments: 2019-09-04 VI. A1 Rights of Wekiva River and Econlockhatchee River Report
- B. CRC-20-054 Number and Composition of County Commission Districts Committee Meeting Held on August 14, 2019
Attachments: 2019-09-04 VI. B1 Number and Composition of Commission Districts Report
- C. CRC-20-055 Ethics Concerning Lobbyists Committee Meeting Held on August 22, 2019

VII. New Business

Orange County Government

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



Draft Meeting Minutes

Wednesday, August 7, 2019

6:00 PM

District 1 - Dr. Phillips High School

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 6:05 p.m.

Present: 11 - Member Camille Evans, Member Carmen Torres, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, and Member Dotti Wynn

Absent: 4 - Member James R. Auffant, Member Jeffrey A. Miller, Member Nikki Mims, and Member Anthony (Tony) Suarez

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Public Comment**

The following persons addressed the CRC for public comment:

- Emmett O'Dell
- Jodi Jessop
- Trini Quiroz

II. Consent Item

- A. CRC-20-047** Approval and execution of the minutes of the July 10, 2019 District 6 Public Hearing of the Charter Review Commission (CRC).

A motion was made by Vice Chair Torres, seconded by Member Wynn, to approve and execute the Minutes of July 10, 2019. The motion carried by the following vote:

Aye: 11 - Member Evans, Member Torres, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 4 - Member Auffant, Member Miller, Member Mims, and Member Suarez

III. Discussion Items

- A. CRC-20-048** Proposed Charter Review Topic - Unlicensed Contractor Activity within Incorporated Orange County

This discussion item was continued during the Public Hearing held on July 10, 2019. At that time, a request was made to amend the Orange County Charter to provide authority to the County to enter into Interlocal agreements with cities to enforce unlicensed contractor activity in incorporated Orange County. The CRC tabled discussion to allow time for the Orange County

Attorney's Office to opine on its existing authority concerning the topic.

General Counsel Shepard advised the commission that the Orange County Attorney's Office maintains that there are currently no restrictions for entering into Interlocal agreements with incorporated Orange County. Specifically, Chapter 489.13 (7), F. S. provides that local governments may seek civil and/or criminal penalties. The County pursues both, as appropriate.

Chair Evans called on the CRC for a motion to establish the Unlicensed Contractor Activity within Orange County as an evaluation topic for the 2020 CRC. Discussion ensued. No motion was made.

B. CRC-20-049 Proposed Charter Review Topic - Ethics for Appointing Lobbyist to Citizen Boards and Commissions: Prohibition

General Counsel Shepard presented the topic of Ethics for Appointing Lobbyists to Citizen Boards and Commissions. Counsel acknowledged supporting materials submitted to the CRC for today's meeting, and further recognized there are no restrictions specifically prohibiting the appointment of registered lobbyists to serve on an Orange County board or commission. Discussion ensued.

A motion was made by Member Stoccardo, seconded by Member Vilchez Santiago to have the Ethics for Appointing Lobbyist to Citizen Boards and Commissions established as an evaluation topic for the 2020 CRC. The motion carried by the following vote:

Aye: 7 - Member Drake, Member Fauth, Member Klein, Member Vilchez Santiago, Member Smith, Member Stoccardo, Member Torres

Nay: 4 - Member Douglas, Member Evans, Member Steinhauer, Member Wynn

Absent: 4 - Member Auffant, Member Miller, Member Mims, Member Suarez

A motion was made by Member Stoccardo, seconded by Member Smith, to create a CRC committee on ethics to explore applying ethical standards for appointed boards, especially restrictions on registered lobbyists. The motion carried by the following vote:

Aye: 10 - Member Evans, Member Torres, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Santiago, Member Smith, Member Stoccardo, and Member Wynn

Nay: 1 - Member Steinhauer

Absent: 4 - Member Auffant, Member Miller, Member Mims, and Member Suarez

Chair of Subcommittee: Member Steinhauer

Subcommittee: Member Evans, Member Klein, Member Miller, Member Vilchez Santiago

IV. New Business

Chair Evans requested an update from the Chairs of the subcommittees for the Number and Composition of County Commission Districts and the Rights of the Wekiva River and

Econlockhatchee River. Vice Chair Torres and Member Stoccardo contributed to the discussion. Member Stoccardo indicated the next subcommittee meeting on the Rights of the Wekiva River and Econlockhatchee River would be on August 8, 2019, at 2:15 p.m. Vice Chair Torres indicated the next subcommittee meeting for the Number of Composition of County Commission Districts would be on August 14, 2019, at 2:15 p.m. The audio and summary reports from the subcommittee meetings are available on the Comptroller's website. CRC members and citizens were encouraged to attend.

Chair Evans encouraged the CRC members to continue submitting their new ideas and topics for consideration to CRC staff. The evaluation process, the timeline for submitting written materials to CRC staff, as well as submitting items on the Agenda can be found on the Charter's website. The next CRC meeting is scheduled on September 4, 2019, at 6:00 p.m, District 2, Apopka.

Discussion ensued regarding the scheduled time of the subcommittee meetings. Chair Evans recommended the members of the subcommittees communicate with Charter Staff and Charter Staff will coordinate the scheduled times with the appropriate Chairs of each subcommittee.

Discussion ensued regarding the timelines for subcommittee recommendations to the CRC. Chair Evans indicated she would work with CRC General Counsel and CRC Staff to come up with subcommittee workplan guidelines.

V. Adjournment

There being no further business, the CRC adjourned at 7:05 p.m.

Camille Evans, Chair
2020 Charter Review Commission

MEMORANDUM

To: 2019-2020 Orange County Charter Review Commission

From: Lee Steinhauer

Re: School concurrency and overcrowding of schools

Date: August 22, 2019

Issue(s) for Consideration

Article VII, section 704B.2. of the Orange County Charter, allows a County Ordinance to be effective within a municipality if such ordinance requires that any rezoning or Comprehensive Plan amendment that increases residential density be approved by each significantly affected local government when such increase in residential density affects a school, the attendance zone for which straddles local government jurisdictional boundaries, if the School Board cannot certify that the school within the attendance zone or zones affected by such rezoning or Comprehensive Plan amendment can accommodate the additional students that result from the increase in residential density.

In accordance with and pursuant to the above Charter provision(s) and state law, Orange County has promulgated ordinances and entered into interlocal agreements with Orange County Public Schools and local municipalities to implement school concurrency to ensure that plans for construction and opening of schools are facilitated and coordinated in time and place with plans for residential development, concurrently with other necessary services. See also attached Orange County Government School Capacity document.

Orange County, local municipalities, and the School Board are separate governmental entities, but through the ordinances and interlocal agreements have agreed that they can better

fulfill their respective responsibilities by working in close cooperation to ensure that adequate public school facilities are available for the residents of the County and municipalities. As such, the ordinances and, particularly, the interlocal agreements set forth in detail the agreed upon terms and conditions of school concurrency in Orange County. This includes, but is not limited to, how the governmental entities shall coordinate, rights and responsibilities of each, definitions and parameters of school capacity and Level of Service¹, and how they are evaluated and determined.

Despite the implementation of school concurrency through ordinances and interlocal agreements, currently in many areas of the County, particularly in faster growing areas, public schools are well above their defined capacity (i.e. Adjusted FISH² capacity). In many cases new schools are opening well over their defined capacity on their very first day of operation.

The overcrowding and over capacity of public schools is of growing concern and angst for Orange County residents who believe that new school facilities are not being built efficiently enough so as to adequately relieve the overcrowding conditions and prevent schools from enduring years of over capacity.

¹ Level of Service: percentage of Enrollment to School Capacity jointly adopted by the School Board and Applicable Local Governments. (per Amended Interlocal Agreement)

² Adjusted FISH Capacity: the number of students who can be served in a permanent public school facility as provided in the Florida Inventory of School Houses adjusted to account for the design capacity of Modular or In-Slot Classrooms on the campuses designed as Modular or In-Slot schools, but not to exceed Core Capacity. (per Interlocal Agreement)

Requested Action

I would like to propose as a potential study topic for the 2020 Charter Review Commission a Charter amendment that would provide that the County can ensure that over capacitated schools cannot persist for longer than a time certain without being relieved.

This could potentially be achieved by including provision(s) in the Charter augmenting Article VII, section 704B.2. by including a provision(s) along the lines of the following:

Orange County may not enter into an interlocal agreement for the purposes of implementing school concurrency unless the interlocal agreement, and any ordinance promulgated pursuant to same, provides that no Orange County public school may remain at or over 120% of its defined capacity (i.e. Adjusted FISH capacity) for any longer than a two year period without a relief school being planned, or other arrangements being made to relieve over capacitated conditions, including, but not limited to, entering into partnerships with charter school(s) to provide relief.

Or other appropriate language or provisions that may provide that the County, School Board and local governments can ensure that an appropriate, adopted Level of Service is obtained and maintained, and that over capacitated schools do not persist without timely relief.

Thank you for your consideration.



School Capacity

School Planning

School Concurrency

- With the 2005 adoption of Senate Bill 360 by the Florida Legislature, Florida communities are required to adopt school concurrency by the year 2008. "Concurrency" refers to the provision of adequate public facilities, such as student stations, at the same time these facilities are required by new development or within three years if provided for in a capital improvements program. Orange County is required to adopt school concurrency by December 1, 2008.
- The adoption of Senate Bill 360 also requires that Orange County update its adopted Public School Facilities Element and create and adopt a new "proportionate-share mitigation" option for the "fair share" funding of school facilities. More information about Senate Bill 360 requirements, which includes an Interlocal Agreement, as well as other issues relating to school planning in a growth management context, is available on the Florida Department of Community Affairs (DCA) website: [Florida DCA School Planning Webpage](#)
- School Concurrency became effective in Orange County on September 17, 2008. The implementation of school concurrency required revisions to the Public School Facilities, Capital Improvements, and Intergovernmental Coordination Elements. The revisions to these elements were adopted by [Ordinance # 2008-11](#) (1 MB). School Concurrency requires on-going coordination with Orange County Public Schools; the [Amended Interlocal Agreement](#) (1 MB) for Public School Facility Planning and Implementation of Concurrency details the required coordination and outlines the requisite procedures.

For more information on vested rights or to apply for school concurrency, please contact the Concurrency Management Office at 407-836-0977. For all other questions, please contact Nikki Williams, AICP at 407-836-5882 or Chenicqua.Williams@ocfl.net.

Frequently Asked Questions about School Planning

What schools serve my neighborhood or proposed development, and do they have capacity?



School Capacity

Current [school capacity and enrollment data](#) are on the OCPS website. Along with [attendance zone maps](#) for elementary, middle, and high schools.

What is a Capacity Enhancement Agreement (CEA)?

As part of its review of Comprehensive Plan amendments and rezoning requests that would increase residential density, Orange County Public Schools (OCPS) reports the status of school capacity at schools impacted by the proposed development and the impact of vested projects impacting the same schools. Where capacity will not be available to serve students from new development, the developer may enter into a Capacity Enhancement Agreement (CEA) with OCPS to develop strategies for providing schools or additional funding for capacity enhancement to insure that capacity is available. Proposed CEA's are reviewed by OCPS and, if approved by the School Board, are reflected in binding agreements with the landowners that ensure school capacity would be available to meet the needs of the proposed development.

How does the recent Orange County charter amendment affect school planning and Capacity Enhancement Agreements?

On November 2, 2004, Orange County voters approved Charter Amendment #6 to require joint county and municipal approval of zoning or comprehensive plan amendments affecting overcrowded public schools, which was later implemented through Orange County Ordinance 2006-04 (effective May 9, 2006). As a result, local governments in Orange County defined as "significantly affected" all must approve the proposed change in zoning or residential density in a jurisdiction, if Orange County Public Schools (OCPS) cannot certify that school capacity would be available or provided through a Capacity Enhancement Agreement. An associated interlocal agreement also became effective May 9, 2006, to outline the coordination process between local governments in Orange County, OCPS, and applicants proposing residential rezonings and comprehensive plan amendments. Copies of the [charter amendment and interlocal agreement](#) (3 MB) are available.

What can you tell me about school impact fees?

[School impact fees](#) are a way to recognize the cost of development and land use on the local school system. Orange County school impact fees are charged to all residential development, both in incorporated and unincorporated areas. School impact fees are collected by the County and municipalities and forwarded to the School Board. As of January 28, 2008, school impact fees are \$11,829 for a



School Capacity

single-family residence, \$6,647 for a multifamily residence, and \$6,344 for a mobile home. The school impact fee study was updated in July 2007 ([School Impact Fee Study](#) 130 KB). Per Ordinance 2007-12, ([School Impact Fee Ordinance](#) 3 MB) the school impact fee will increase by 5% per year on a combination of cost and value indices as set forth in the impact fee study. In the event the School Impact Fee ordinance fee schedule is not updated by January 28, 2011, the impact fees shall continue at the rate effective January 28, 2011, until the fee schedule is updated.

What is the School Siting Ordinance?

The [Orange County Code](#) specifies the zoning categories where the location of school facilities is permitted. Section 38-1753 of the Orange County Code outlines the regulations for siting school facilities. Criteria for school locations, site standards, access to roads and sidewalks, and proximity to municipal services are described in detail to provide a coordinated and comprehensive standard relating to conditions on or impacting a potential school site. Orange County staff will be working with Orange County Public Schools to update the school siting ordinance in early 2007.

Why must I pay school property taxes?

Under Florida law, all properties are assessed for school taxes. The 2006 adopted school millage rate for Orange County is 7.169, of which 4.9540 is the millage set by the State of Florida. This ad valorem tax funds the public school system, including academic instruction, construction, administration, and support services.

What can you tell me about the half-cent sales tax for schools?

In September 2002 Orange County voters approved a half-cent sales tax increase to provide additional funding to build new schools and renovate or replace existing ones. Concurrently, the local school property tax would be reduced by one-half (0.5) mill for as long as the sales surtax is in effect; for a period of 13 years, beginning January 2003 and ending December 2015.

What is the Martinez Doctrine?

Beginning in March 2000, Orange County's practice of linking certain land use changes to school capacity was termed the Martinez Doctrine, after former Orange County Mayor Mel Martinez.



School Capacity

Under this directive, if a rezoning or comprehensive plan amendment had an adverse impact on schools, staff recommends denials of the request as exceeding the capacity of public infrastructure, which is inconsistent with Orange County's Comprehensive Policy Plan. The adoption of this practice has led to more coordination and information sharing with Orange County Public Schools staff, and created a mechanism where developments denied under the Doctrine can enter into Capacity Enhancement Agreements with the School Board to mitigate adverse impacts. This practice has withstood judicial challenge up to the Florida Supreme Court.

2020 Orange County Charter Review Commission (CRC)

Subcommittee Proposal on the Citizen-Initiated Charter and Ordinance Amendment Process (Orange County Charter, Sec. 601)

Presented by Member Samuel Vilchez Santiago on May 31, 2019

Executive Summary

This document details CRC member Samuel Vilchez Santiago's proposal to establish a CRC subcommittee that evaluates (1) lowering the petition threshold for citizen-initiated Charter amendments and repeals from 10 percent of all registered voters per county district and (2) lowering the petition threshold for citizen-initiated Ordinance amendments, enactments and repeals from 7 percent of all registered voters per county district. Specifically, this proposal seeks the creation of a CRC subcommittee to study Section 601 of the Orange County Charter. In addition, this document specifies some of the reasoning behind this proposal, including the total number of registered voters per county district and the number of necessary signed petitions under the current and proposed language. It also includes a description of how difficult it is to place a charter/ordinance amendment-related ballot question through the citizen-initiated process, detailing potential costs and hours of work based on estimates. Finally, this document presents a brief summary of citizen-initiated charter and ordinance amendment processes in other similarly populated Florida counties, demonstrating Orange County's current petition threshold to be significantly higher than its counterparts.

Orange County Charter, Section 601

"Article VI - Initiative, Referendum and Recall

Sec. 601 - Initiative and Referendum

The power to propose amendment or repeal of this Charter, or to propose enactment, amendment or repeal of any county ordinance by initiative is reserved to the people of the county.

- A. *Charter*. A petition seeking to amend or repeal the Charter of Orange County shall be signed by **ten (10) percent** of the county electors in each commission district as of January 1 of the year in which the petition is initiated. No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.2.
- B. *Ordinance*. A petition seeking to enact or repeal an ordinance shall be signed by **seven (7) percent** of the county electors in each commission district as of January 1 of the year in which petition is initiated. No less than seventy-five (75) percent of the minimum number of required signatures shall be on petition forms approved by the supervisor of elections containing the comptroller's financial impact statement pursuant to section 602.E.3

(Amended November 1988; Amended November 2016¹).”

Practical Meaning of Orange County Charter Section 601

a. Number of needed petitions per county district:

For voters to initiate a successful Charter or Ordinance amendment or repeal, they would have to collect the following amount of qualifying petitions from voters in each county commission²:

County Commission District	Total number of registered voters³	Petitions needed to propose a Charter amendment or repeal	Petitions needed to propose an Ordinance amendment, enactment or repeal
		Total number of petitions needed under current 10% threshold	Total number of petitions needed under current 7% threshold
District 1	154,010	15,401	10,781
District 2	129,309	12,931	9,052
District 3	140,392	14,040	9,828
District 4	152,863	15,287	10,701
District 5	148,354	14,836	10,385
District 6	100,769	10,077	7,054
County Total	825,697	82,572	57,801

b. Calculating the potential costs of citizen-initiated charter or ordinance amendment proposals:

[According to the National Democratic Training Committee](#), a volunteer should be expected to knock on about 20 doors per hour, with an average 25% success rate. This means that a volunteer door-knocker is expected to talk to about 5 voters per hour. If we project a 60% success rate on petition gathering - a very optimistic projection for any campaign - then a volunteer is likely to obtain 3 signed qualifying petitions in one hour.

That means that in order to reach the 82,572 petitions to place a citizen-initiated charter amendment question on the ballot, the proposing party/team would need about 27,254

¹ Information highlighted in yellow represents what was amended on November 2016. For more information, please review the Orange County 2016 Charter Review Commission Final Report, pages 13 and 14.

² Based on [official voter registration numbers from the Orange County Supervisor of elections](#) as of May 1, 2019.

³ As of May 1, 2019.

hours of work⁴ without taking into account hours needed for planning and organizing purposes.

Let's now suppose that each volunteer gives 40 hours of their time to the petition gathering cause - another goal that most political operatives would probably deem as hard to achieve. If that's the case, the proposing party/team would need about 685 committed volunteers to gather enough petitions to place a charter amendment question on the ballot.⁵ In other words, a successful petition gathering campaign for a charter amendment proposal is likely to require more volunteers than any Orange County political campaign in history.

Likely, this means that any successful petition gathering campaign will require paid canvassers. At the market rate of \$15 per hour per canvasser, the campaign would need about \$409,000 just to cover canvassing costs.⁶ This is again without taking into account planning and organizing costs. In a best case scenario situation, a proposing party/team would implement a strategy that combines volunteers and paid canvassers, lower campaign costs. Yet, even in that case, the costs would still range in the hundreds of thousands of dollars.

As well, given the 7 percent petition threshold, those proposing citizen-initiated ordinance amendments face a similar situation. In fact, in order to gather 57,801 qualifying petitions, an ordinance amendment proposing party/team would need to spend about 19,267 hours door knocking,⁷ requiring about 485 committed volunteers who spend at least 40 hours collecting petitions.⁸ If instead of volunteers the proposing team/party utilizes paid canvassers, they are expected to spend about \$290,000 just to cover petition gathering efforts.⁹ Once again, the petition gathering process appears too expensive for regular citizens to cost.

Thus, as currently established by the Orange County Charter, the citizen-initiated charter amendment process hinders true local citizen participation by making petition gathering campaigns costly, which often leads to overrepresentation of issues backed by economically affluent groups and individuals as well as outside interest groups that include unaccountable Political Action Committees (PACS).

Petition thresholds for citizen-initiated Home Rule Charter amendment proposals in other similarly populated¹⁰ Florida counties

⁴ 82,572 petitions divided by 3 petitions per hour estimate = 27,524

⁵ 27,254 hours of work divided by 40 hours per volunteer = 681.35

⁶ \$15 per hour times 27,254 hours required to collect all petitions = \$408,810

⁷ 57,801 petitions divided by 3 petitions per hour estimate = 19,267

⁸ 19,267 hours of work divided by 40 hours per volunteer = 481.68

⁹ \$15 per hour times 19,267 hours required to collect all petitions = \$289,005

¹⁰ Each of the presented counties has a total population that ranges from 800,000 to 1,400,000 inhabitants, compared to Orange County's estimated population of 1,400,000 people ([U.S. Census Bureau](https://www.census.gov)).

- **Palm Beach County**:¹¹ **7 percent** of the number of voters eligible to vote in the last general election (Sec. 6.3).
- **Broward County**: **7 percent** of the number of voters eligible to vote in the last general election (Sec. 7.01D4).
- **Pinellas County**: **10 percent** of the number of voters eligible to vote in the last general election (Sec. 6.02).
- **Hillsborough County**: **8 percent** of the votes cast in each of [the county commission] districts and the county as a whole in the last preceding election in which a President or presidential elections were chosen (Sec. 8.03).
- **Jacksonville (Duval County)**:¹² **5 percent** of the total number of registered voters in the city at the time of the last preceding general consolidated government election for first petition on a given proposed reform.

Orange County's current 10 percent petition thresholds for citizen-initiated home rule charter amendments or repeals ranks higher than other similarly populated counties in the state of Florida. This is yet another reason to consider an evaluation of Section 601 of the Orange County Charter.

Concluding Thoughts and Call for Further Research

This document has highlighted some of the inadequacies of Orange County's current high thresholds for citizen-initiated charter and ordinance amendments or repeals to make it to the ballot for voters to decide. This document is primarily designed to serve as an initial step toward the potential change of Section 601 of the Orange County Charter, establishing a call for the creation of a 2020 CRC sub-committee to study this important issue that directly impacts our local democratic process. Some of the potential topics for further research include an evaluation of past CRC discussions on amending Section 601 of the County's charter, listening to groups that have gone through the amendment petition process, and prompting the Supervisor of Elections office to study past failed and successful local petition campaigns for charter/ordinance amendments or repeals. Lastly, and most importantly, such a subcommittee should also evaluate different potential petition thresholds (i.e. requiring 6% vs. 10% of voters to sign charter/ordinance amendment petitions for it to go on the ballot).

¹¹ Click on hyperlinks to access each county's home rule charter document.

¹² The City of Jacksonville and Duval County merged in 1968, creating a single entity governing of all Duval County ([City of Jacksonville](#), 2019).



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Rights of the Wekiva River and Econlockhatchee River Committee

August 8, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Nikki Mims
Clifford Shepard, CRC Attorney
Katie Smith, Assisting CRC as Staff
Anissa Mercado, Assisting CRC as Staff

Absent Member

Anthony (Tony) Suarez

Invited Guests:

Jane Goddard Durocher
Chuck O'Neal
Steve Myers
Nicole Wilson

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further identify related issues and to address any member questions.

Public Comment

The following person addressed the committee:

- Trini Quiroz

Ballot Language vs. Charter

CRC Attorney Clifford Shepard explained three components to a Charter amendment which includes the ballot title, ballot question, and Charter amendment textual language. Ms. Smith advised the committee members that the 75 word limit ballot question will include the financial impact statement. Ms. Smith further shared that in the past, the Chair of the CRC has typically formed a Ballot Summary Committee to examine the proposed ballot language and questions. Discussion ensued.

Rights of Nature Presentation and Members Open Discussion

Chair Stoccardo explained that the invited guests would present their proposal and educate the committee on the issue.

Mr. O'Neal presented information related to the Rights of Nature Laws and court decisions. Mr. O'Neal cited communities and countries which have enacted "community rights" laws prohibiting environmental threats.

Ms. Goddard Durocher presented on the legal history of the Rights of Nature movement. Ms. Goddard Durocher asked the committee to think about the law as a tool that protects the things that are valued and as something that can be changed.

Mr. O'Neal and Mr. Myers each presented to the committee members an updated draft copy of the proposed amendment to add Sections 704.1 and 704.2 to the Charter. Member Auffant provided remarks regarding the updated textual language which now addresses his concern with permitting. Member Auffant further expressed his concern with the one subject rule and the language indicating that Orange County has the authority to issue criminal charges. Discussion ensued.

Mr. Myers addressed the comments made regarding cost and fees associated with the violation of the proposed amendment by comparing the cost of litigation to the cost of cleaning the rivers. Mr. Myers further referenced the economic value on tourism and property values. Ms. Wilson presented information related to the Ohio State study regarding the economic impact in relation to Lake Erie. Discussion ensued.

Member Auffant expressed concern with the proposed amendment being limited to only two rivers. Member Fauth recommended the invited speakers review Article XIV of the New York State Constitution which Protects New York's Forest Preserve. Member Fauth further addressed broadening the language to include more than one element such as other tributaries and habitats, and to consider New York State's threat of the wild clause. Discussion ensued.

Chair Stoccardo encouraged the committee members to individually work on the proposed language with the invited speakers prior to the next committee meeting. Discussion ensued. Member Mims suggested expanding the view to be inclusive of all waterways of Orange County to address the health, safety, and welfare of all of Orange County. Discussion ensued.

Member Auffant questioned whether this committee would be the appropriate conduit to introduce a new related topic. Ms. Smith explained that the new topic would have to follow the written submittal process. Discussion ensued.

Future Action Plan

After the discussion, it was suggested that the invited speakers work further on the proposed language prior to the next meeting.

The next scheduled committee meeting will be held on Wednesday, August 21, 2019, at 4:00 p.m. Supporting materials, including the meeting notice, agenda, audio and summary report, may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Number and Composition of County Commission Districts Committee

August 14, 2019
Comptroller's 4th Floor Conference Room
2:15 p.m.

Committee Members:

Carmen Torres, Chair
Russell Drake
Matthew Klein
Anthony (Tony) Suarez
Dotti Wynn
Clifford Shepard, CRC Attorney
Katie Smith, Assisting CRC as Staff
Anissa Mercado, Assisting CRC as Staff

Invited Guest and Speakers:

Commissioner Emily Bonilla
Commissioner Christine Moore
Commissioner Mayra Uribe
Supervisor of Elections Bill Cowles
Orange County Chief of Staff Roseann Harrington
Office of Management and Budget Manager Kurt N. Petersen
Jose Fernandez

The Number and Composition of County Commission Districts Committee meeting was held to further identify related issues and to address any member questions.

Chair Torres thanked the invited guest and speakers for attending. Chair Torres addressed the concerns regarding the survey she created through Survey Monkey and advised she will reach out to Kate Latorre, Assistant County Attorney to discuss the survey further.

Invited Guest

Mr. Fernandez presented historical information related to the 2016 CRC proposal to expand the county commission districts. Mr. Fernandez informed the committee members that the 2016 work group reviewed compatibles in Florida with similar sized counties and the cost associated with increasing the commission districts. Mr. Fernandez mentioned that the 2016 work group recommended expanding the districts by two seats, which did not pass. Mr. Fernandez further disclosed that one concern the 2016 CRC had with the work group's recommendation was the cost of redistricting. Due to this concern, the work group modified their recommendation to expand the county commission districts after redistricting which eliminated some of the cost. The 2016 CRC's final action related to the expansion of the county commission single member districts was to reject the recommendation of the work group. Discussion ensued.

Invited Speakers

Commissioner Bonilla presented on the pros and cons of representation of single member districts vs countywide. Commissioner Bonilla recommended balancing the representation power by making the two additional commission seats countywide elected instead of single member. When Commissioner Bonilla was questioned if she had any issue with responding to constituents, her response was that she did not. However, Commissioner Bonilla advocated for more aides to assist in responding to her constituents instead of adding additional commission districts. Discussion ensued.

Commissioner Moore addressed the committee and presented information on her district and the workload of unincorporated areas verses incorporated areas. Commissioner Moore mentioned that some of the concerns pertaining to the balance of workload can be addressed during redistricting. Commissioner Moore further indicated that the workload is different based on the community and does not see the need for additional aides. Commissioner Moore asked the committee members to also consider the businesses having to reach out to more individuals if two additional commission districts are added. When asked if she felt the need for additional Commissioners, Commissioner Moore responded that she did not.

Commissioner Uribe presented information on her district and the procedures her office follows in regards to customer service. Commissioner Uribe welcomed the idea of additional funding for more aides however, she did not see the need for more Commissioners. When Commissioner Uribe was questioned if she had any issue with responding to constituents, she replied that her office is actually thanked for their response time. Discussion ensued.

Chair Torres presented her findings when conducting research regarding the population growth in Florida.

Public Comment

The following persons addressed the committee:

- David Siegel
- John Fauth
- David Washington
- Eugene Stoccardo

Ms. Smith advised the committee members that Commissioner VanderLey and Commissioner Gomez Cordero submitted their remarks concerning the Number and Composition of County Commission Districts which will be published on the Charter webpage.

Members Open Discussion

Member Drake addressed the correspondence submitted to committee members from Commissioner VanderLey, County Administrator Byron W. Brooks, and Supervisor of Elections Bill Cowles stating that the timing and the facts presented point out the need for additional Commissioners. Discussion ensued.

Chair Torres acknowledged the receipt of responses from the committee members regarding changing the meeting time. Discussion ensued.

Motion/Second: Chair Torres/Member Wynn

AYE (voice vote): Members Drake, Suarez, Torres, and Wynn

NO (voice vote): Member Klein

Action: The Number and Composition of County Commission Districts Committee agreed the committee meeting time would remain at 2:15 p.m. on Wednesdays

Future Action Plan

After the discussion, it was suggested that the committee would discuss Commissioner full time status versus part time status during the next meeting.

The next scheduled committee meeting will be determined at a later date. Supporting materials, including the meeting notice, agenda, audio and summary report, may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.