

Orange County Government

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



Charter Review Commission Agenda - Final

Friday, May 29, 2020

5:30 PM

Communications Media Technology

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order**I. Pledge of Allegiance****II. Public Comment****III. Consent Item**

- A. CRC-20-116 Approval and execution of the minutes of the May 6, 2020, and May 14, 2020 meetings of the Charter Review Commission (CRC).

Attachments: 2020-05-06 CRC Draft Meeting Minutes
2020-05-14 CRC Draft Meeting Minutes

IV. Chair Comments**V. New Business**

- A. CRC-20-117 Proposed Split Oak Committee Resolution

Attachments: 2020-05-29 V. A1 General Counsel CRC Resolution Memo
2020-05-29 V. A2 Split Oak CRC Resolution

VI. Work Session Item

- A. CRC-20-118 2020 CRC Draft Final Report

Attachments: 2020-05-29 V1. A1 Draft Final Report

Orange County Government

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



Draft Meeting Minutes

Wednesday, May 6, 2020

5:30 PM

Communications Media Technology

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order

The meeting was called to order at 5:37 p.m.

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

Absent: 1 - Member Jack Douglas

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Jennifer Lara-Klimetz

I. Pledge of Allegiance**II. Public Comment**

The following persons addressed the CRC for public comment:

- Sharon McBreen
- Lynette Scible
- Jessica Sullivan
- Kimberly Buchheit
- Emily Lapham
- Valerie Anderson
- Kimberly Heise
- Anh Volmer
- Jerome J Madigan

The following persons submitted written comments to the Board during public comment:

- Cynthia Baker
- Bill Beard
- Alison Beard
- Tim Janney
- Harry Hecht
- Junior McGovern
- Gloria Tyrie
- Marilyn Diaz
- Patrick Fore
- Caroline Foust
- Becky Wells

-Blue Kaufman
-Cam Abascal
-Linda Hennig
-Stacy Ford
-Belmont Murray
-Bob Turner
-Val Mobley
-Terise Robers
-Eric Gardze
-Elizabeth Tuura
-Vicki Tindall
-Shannon Normand
-Michael Johnson
-Vince
-Mary A. Nesler
-Angelene Bray
-Trina Ryan
-Rebecca Eagan
-Forest Grey Michael
-Barbara Cady
-Rachel E. Deming
-Reid Gill
-Drew Gil
-Eric Rollings
-Kathleen Fitzgerald
-Nicole Wilson

III. Chair Comments

Chair Evans addressed the CRC regarding the following:

- The next CRC regular business meeting is scheduled for May 14, 2020.
- The Final Report Work Session will be conducted during the May 29, 2020, meeting.
- The Final Report will be approved at the last CRC meeting on June 3, 2020.
- Thanked CRC staff for the work being done to ensure the work of the 2020 CRC continues to be successful and impactful during these challenging times.
- Second Reading of Subcommittee Recommendations for Split Oak.
- First Readings of Subcommittee Recommendations for Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding of Green PLACE.
- The CRC By-Laws Workgroup is currently examining the possibility of coming up with informed

by laws for inclusion in the Final Report.

IV. Subcommittee Recommendation – Second Reading and Vote

- A. CRC-20-105** Consideration of the Split Oak Subcommittee's Recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants.

Chair Evans requested Member Mims present the Second Reading of the Split Oak subcommittee's recommendation. Member Mims presented the procedural background and summary of the recommendation for Split Oak. Member Mims stated that the committee heard from many members of the public in support of providing additional protections for Split Oak and further, restrict the commissions ability to permit future commercial or residential development within the Split Oak Forest. The subcommittee reviewed and revised three proposed Ballot Titles, Summaries, and Draft Charter Amendments prepared by General Counsel Shepard, at the subcommittee's direction, and studied potential benefits and risks associated with the Charter Amendment. Member Mims provided the CRC with reasons for recommendation and arguments against the Split Oak Charter Amendment. After careful consideration, the subcommittee voted 5-0 recommending to the full CRC that the Ballot Title, Summary and proposed Charter Amendment be placed on the ballot for the 2020 election. Discussion ensued.

A motion was made by Member Santiago, seconded by Member Mims, to approve the Split Oak Subcommittee's recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants. The motion carried by the following vote:

Aye: 10 - Member Auffant, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Suarez

Nay: 3 - Member Evans, Member Klein, and Member Wynn

Absent: 1 - Member Douglas

Recused: 1 - Member Miller

V. Subcommittee Recommendations – First Readings (Second Readings May 14, 2020)

- A. CRC-20-106** Consideration of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification.

Chair Evans requested Member Smith present the First Reading of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee recommendation. Member Smith noted the subcommittee was tasked with reviewing the following considerations:

- lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and
- lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal.

Member Smith thanked General Counsel, members of the public and subcommittee members for their time, dedication, and flexibility to the work of the subcommittee. Member Smith noted Commissioner Emily Bonilla, Supervisor of Elections Bill Cowles and the League of Women Voters provided the subcommittee with historical information and insight to the Citizen-Initiated Charter and Ordinance Amendment. The subcommittee reviewed the need of the proposal and the current process that exists for citizens to be able to execute a charter amendment, enactment or repeal. The subcommittee also reviewed data, historical documents, and proposal summaries from different resources regarding lowering the petition threshold. Member Smith stated that in January the subcommittee requested authority from the full CRC to review all aspects of the current 180-day timeline limitation as it effects the petitioners ability to proceed in a timely manner with the citizen-initiated petition.

Member Smith noted the percentage threshold in gathering signatures was a daunting task. Furthermore, the review of proposals by government offices would cause further delay during which signatures could not be gathered. Therefore, the subcommittee focused on parts of the petition gathering process that would inhibit any citizen from the execution of a charter or ordinance amendment petition. Member Smith stated that the subcommittee worked to provide language for the suspension of the one hundred and eighty (180) day timeline until the offices of the Supervisor of Elections and the Comptroller are able to complete their reviews thus allowing for a full uninterrupted one hundred and eighty (180) day process for gathering petitions.

Member Smith stated that the subcommittee voted to recommend the Draft Amendment including Ballot title, and summary, with respect to the Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith read the Ballot title and summary into the record.

Chair Evans questioned whether the subcommittee members had taken a vote on the final report. Discussion ensued. General Counsel Shepard contributed to the discussion.

Member Smith, Member Miller, Member Melvin, and Member Wynn agreed to the subcommittee final report. Member Douglas was absent.

Member Stoccardo recommended the subcommittee amend Section 601 of the Charter to reflect what is required by the State's Constitution.

Member Fauth brought forth for discussion the following sentence in the proposed language:

If sufficient signatures are obtained submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

Member Fauth questioned the word layout of 'obtained submitted.' Discussion ensued. General Counsel contributed to the discussion. Member Fauth moved to amend the motion to address the inconsistency between the words 'obtained' and 'submitted.' General Counsel Shepard stated if the amendment is approved along with the motion counsel will make the appropriate change to the language to capture the actual meaning. Discussion ensued.

Deputy Clerk Smith stated the 2016 Final Report of the Charter Review Commission struck thru the word 'obtained' and only 'submitted' was included in the Final Report. Discussion ensued. General Counsel Shepard stated he would review the 2016 ballot language and the legislative history to determine whether an amendment would be necessary for consideration during the second reading of the recommendation. Member Stoccardo seconded Member Fauth's amendment to the motion. Discussion ensued. General Counsel Shepard contributed to the discussion regarding the intent of the amendment to the motion. After further discussion the motion was agreed upon by Member Fauth and Member Stoccardo.

A motion was made by Member Smith, seconded by Member Miller, to approve the first reading on the recommendation of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee, further, approve the subcommittee final report subject to changes, if any, mandated by comparing the 2016 ballot language to Municode, and further, propose a correction consistent with the legislative history of 2016. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

B. CRC-20-107 Consideration of the Permanent Funding of Green PLACE recommendation to make no changes to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's final report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE.

Chair Evans requested General Counsel Shepard present the First Reading of the Permanent Funding of Green PLACE subcommittee's recommendation. General Counsel Shepard stated Member Stoccardo proposed the Charter Amendment to establish permanent funding for the purchase of environmentally sensitive lands. General Counsel Shepard submitted a memo to the CRC regarding whether such action is permissible under state law. The subcommittee reviewed alternative options to encourage Orange County to use funds from any source to purchase environmentally sensitive lands for Green PLACE. The subcommittee considered information as well as arguments for and against the topic. General Counsel Shepard stated the subcommittee recommends no amendment to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, include a recommendation in the CRC Final Report that the BCC utilize current mechanisms in funding structures to acquire environmentally sensitive lands and reestablish the counties ad hoc committee for Green PLACE. Chair Evans contributed to the presentation of the recommendation. Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Miller, to approve the first reading on the recommendation of the Permanent Funding of Green PLACE subcommittee. The motion carried by the following vote:

Aye: 10 - Member Evans, Member Auffant, Member Drake, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Nay: 3 - Member Fauth, Member Klein, and Member Stoccardo

Absent: 2 - Member Douglas, and Member Suarez

VI. Workgroup Update

A. CRC-20-108 CRC By Laws Workgroup Meetings Held on April 27, 2020 and May 4, 2020

Chair Evans provided an update on the CRC By-Laws Workgroup. Chair Evans stated the workgroup evaluated the possibility of creating by-laws for the CRC. During the first workgroup meeting, General Counsel Shepard and CRC staff presented a history of prior CRC procedures. Furthermore, General Counsel Shepard provided his interpretation of the enforceability of any by-laws on future CRC Boards. Chair Evan's stated the by-law recommendation of the subcommittee would not be binding on future CRC Boards. The subcommittee agreed to proceed with evaluating sample by-laws from other jurisdictions and the concerns expressed by current CRC members. The subcommittee requested CRC members submit recommendations to be placed into the by-laws for inclusion in the Final Report. Chair Evans noted General Counsel Shepard compiled all the submissions into a working draft for the subcommittee to review. During the May 4th subcommittee meeting, members reviewed the working draft and provided edits to General Counsel for inclusion in the upcoming draft. The next subcommittee meeting is scheduled for May 11, 2020. Discussion ensued.

VII. New Business

Chair Evans announced the Second Readings of Subcommittee Recommendations for Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding of Green PLACE. These readings will take place during the next CRC Regular Business meeting on May 14, 2020, at 5:30 p.m.

The CRC will conduct a Final Report Work Session during the May 29, 2020, Regular Business meeting.

The Final Report will be approved during the June 3, 2020, meeting.

There being no further business, the CRC adjourned at 8:28 p.m.

Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Draft Meeting Minutes

Thursday, May 14, 2020

5:30 PM

Communications Media Technology

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order

The meeting was called to order at 5:33 p.m.

Present: 13 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, Member Jeffrey A. Miller, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, and Member Dotti Wynn

Absent: 2 - Member Nikki Mims, and Member Anthony (Tony) Suarez

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Jennifer Lara-Klimetz

I. Pledge of Allegiance**II. Public Comment**

The following person addressed the CRC for public comment: Anh Volmer.

III. Consent Item

A. CRC-20-109 Approval and execution of the minutes of the April 20, 2020 meeting of the Charter Review Commission (CRC).

Member Smith questioned whether the May 6th minutes were ready for review. Chair Evans stated that due to the condensed meeting schedule, the May 6th meeting minutes would be available for review and approval at the May 29th meeting.

A motion was made by Member Drake, seconded by Member Stoccardo, to approve and execute the minutes of April 20, 2020. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Mims, and Member Suarez

IV. Chair Comments

Chair Evans addressed the CRC regarding the following:

- The focus of the May 29, 2020 meeting will be the draft Final Report. Prior to the meeting, CRC members are to submit comments regarding the draft Final Report to CRC staff for distribution to CRC members and followers.

- The Final Report will be approved at the last CRC meeting on June 3, 2020.
- Thanked CRC staff for the work being done to facilitate the work of the 2020 CRC in this new environment.

V. Subcommittee Recommendations – Second Readings and Vote

- A. CRC-20-111** Consideration of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification.

Chair Evans requested Member Smith present the Second Reading of the Citizen Initiated Charter and Ordinance Amendment Process subcommittee recommendation. Member Smith requested staff provide perspective regarding an adjustment within the committee recommendation as discussed during the prior meeting. Deputy Clerk Smith stated that during the May 6th meeting, Member Fauth pointed out the verbiage of the words 'obtained submitted' and further, General Counsel would be researching and reporting on the issue. Discussion ensued. General Counsel Shepard stated that Assistant County Attorney Kate Latorre confirmed the error was made on behalf of Municode and with authorization from the CRC or the County she would make the correction with Municode. General Counsel Shepard noted that Deputy Clerk Smith provided him copies of the 2016 Ballot language. Chair Evans stated no update will be required of the subcommittee final report because the typographical error being identified is in fact an administrative error that will be corrected through the administrative channels. Furthermore, General Counsel Shepard stated the CRC Final Report will transmit the language in question verbatim to the 2016 amendment language along with the changes suggested in this referendum by this committee and adopted by this body.

Member Smith presented the Second Reading of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee recommendation. All subcommittee minutes and documents are available for reference on the Comptroller's Website. The purpose of the subcommittee was to evaluate the following topics:

- lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and
- lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal.

Member Smith thanked the subcommittee members, General Counsel, CRC staff, Commissioner Emily Bonilla, Supervisor of Elections Bill Cowles, and the League of Women Voters for taking the time to vet the topic and provide opinions and prospective. The subcommittee reviewed the needs of the proposal, presented by Member Vilchez Santiago, along with the current process, historical documents provided by the Supervisor of Elections, and the 2016 amendment language. The subcommittee evaluated the one hundred and eighty (180) day process, and identified the greatest obstacle in putting forth a citizen initiated petition. Within the one hundred and eighty (180) day process, a twenty (20) day delay was identified. Although the percent

threshold is a mathematically daunting task, the committee was focused on parts of the process that would greatly inhibit any citizen from the execution of a charter amendment or petition. Member Smith stated that upon reviewing the one hundred and eighty (180) day timeline for citizens to gather petitions, the subcommittee identified the two areas where citizens needed to wait on government offices to provide approval: The Legal Review executed by the County Procurement Office and the Financial Impact Statement facilitated by the Comptroller's Office. Ultimately, the subcommittee worked to provide language for the suspension of the one hundred and eighty (180) day timeline until those offices completed their reviews thus allowing for a full uninterrupted one hundred and eighty (180) day process for gathering petitions.

Member Smith stated that the subcommittee recommends the Draft Amendment to the Orange County Charter including Ballot title, and summary, be made with respect to the approved evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith reviewed the Ballot title and summary.

Member Fauth questioned the sequence of review for the language in question. Chair Evans noted that both General Counsel and the County Attorney's Office have confirmed the ballot approved by voters in 2016 had the correct language and Municode has an error in the language.

Member Stoccardo made a motion to amend Section 601 paragraphs A and B; further strike "of January 1 of the year in which the petition is initiated;" and further, replace with the following "defined by the number of people voting in the last presidential election."

Member Fauth seconded Member Stoccardo's amendment to the motion. Discussion ensued.

Member Smith requested clarification regarding the committee recommendation to Section 602 and the amendment put forth for Section 601. General Counsel Shepard provided clarification to the voting process of the main motion and the subsequent amendment. Chair Evans contributed to the discussion.

Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Stoccardo, seconded by Member Fauth, to amend Section 601 paragraphs A and B; further, strike "of January 1 of the year in which the petition is initiated;" and further, replace with the following "defined by the number of people voting in the last presidential election." The motion failed by the following votes:

Aye 2 - Member Fauth, Member Stoccardo

Nay 11 - Member Auffant, Member Douglas, Member Drake, Member Evans, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Absent 2 - Member Mims, and Member Suarez

A motion was made by Member Smith, seconded by Member Wynn, to approve the Citizen

Initiated Charter and Ordinance Amendment Process Subcommittee recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Mims, and Member Suarez

B. CRC-20-112 Consideration of the Permanent Funding of Green PLACE recommendation to make no changes to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's Final Report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE.

Chair Evans requested General Counsel Shepard present the Second Reading of the Permanent Funding of Green PLACE subcommittee recommendation. General Counsel Shepard stated the CRC evaluated whether a study committee needed to be created for permanent funding for Green PLACE. The amendment was introduced by Member Stoccardo and the CRC tasked General Counsel Shepard to research the legality of the proposed amendment. General Counsel Shepard noted Florida Law preempts the proposed amendment. Nevertheless, the CRC established the Permanent Funding of Green PLACE subcommittee to review alternative recommendations. General Counsel Shepard stated the subcommittee recommends no amendment to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, include a recommendation in the CRC Final Report that the BCC utilize current mechanisms in funding structures to acquire environmentally sensitive lands and reestablish the counties ad hoc committee for Green PLACE.

Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Smith, to approve the Permanent Funding of Green PLACE subcommittee recommendation to make no amendments to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's Final Report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE. The motion carried by the following vote:

Aye: 11 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Nay: 2 - Member Fauth, and Member Stoccardo

Absent: 2 - Member Mims, and Member Suarez

VI. Workgroup Update

A. CRC-20-113 CRC By-Laws Workgroup Meeting Held on May 11, 2020.

Chair Evans provided an update on the CRC By-Laws Workgroup. On Monday, May 11th the workgroup met to review the by-laws and received comments from members of the public and workgroup members. Chair Evans stated General Counsel Shepard provided an updated draft to be included in the recommendations of the draft Final Report. Chair Evan's stated the by-law recommendation of the subcommittee would not be binding on future CRC Boards. The workgroup compiled a number of procedures to help future CRC Boards be efficient and orderly with their process.

VII. New Business

Member Santiago announced he will be introducing the Split Oak Resolution during the May 29, 2020, meeting.

There being no further business, the CRC adjourned at 6:52 p.m.

Camille Evans, Chair
2020 Charter Review Commission



May 17, 2020

Memo

To: OCCRC Members

From: Cliff Shepard

CC: Katie Smith

Re: Proposed Resolution to the BOCC re: Split Oaks amendment

Members-

At the January 22, 2020, meeting of the Split Oaks Committee, the Committee voted 4-0 to approve and forward its final report, including ballot title, summary and proposed amendment to the full Commission. Thereafter, the Committee considered a proposed non-binding resolution drafted by Member Vilchez-Santiago requesting the Board of County Commissioners ("BOCC") take no further action on location of an expressway through any portion of the Split Oaks Wildlife and Environmental Area ("Split Oaks") until after the November 3, 2020 general election at which the proposed charter amendment providing further protections to Split Oaks is submitted to the voters of Orange County. By a vote of 4-0 the Committee approved submitting the resolution to the full commission for its consideration, subject to typographical and formatting changes by the General Counsel.

In conjunction with consideration of the resolution by the Commission, I have attached an email explaining the General Counsel's opinion on the authority of the Commission to issue this resolution should it choose to do so.

Clifford Shepard

From: Clifford Shepard
Sent: Wednesday, May 13, 2020 9:29 AM
To: Smith, Katie; 'Camille Evans'
Cc: Charter; Vaupel, Jessica; Lara-Klimetz, Jennifer
Subject: RE: FW: FW: Split Oaks Resolution

All-

I understand the Chair has asked my opinion regarding the authority of the CRC to pass and submit a non-binding resolution to the BOC on this or any other issue. Before I opine on this question we first need to look at the authority derived from the County Charter, since that is the sole basis for the existence of the CRC. Pursuant to Section 702, the CRC “**shall be empowered to conduct a comprehensive study of any or all phases of county government.**” This is a broad statement of the charge of the CRC, and notably contains no limiting language as to how the CRC is to express the findings or concerns raised by that “comprehensive study” of “any and all phases of county government.”

By contrast, the additional language of Section 702 concerning that actual review of the charter (*sans* fiscal impact analysis) reads as follows:

*“A Charter review commission **may**, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the board of county commissioners no later than the last day for qualifying for election to county office under general law.” . . . “Such amendments or revisions do not require the approval of the board.”*

This additional language of authority is permissive rather than restrictive regarding actions the CRC “may” take regarding proposed amendments to the charter and requiring only the manner (“a proposed report of the changes delivered to the clerk of the board”) and the deadline for doing so (“last day for qualifying for election to county office under general law”).

Accordingly, it appears to me that the manner in which the CRC conducts its “comprehensive study” of “any and all” phases of County government is left open to it, including the opportunity to report the results of its work, or parts thereof, via resolution to the Board. For that matter, the entire final report could be in the form of a resolution should the CRC decide to make it so, as long as it gets submitted to the clerk of the Board in a timely manner. So the issue of whether the CRC can issue a resolution seems fairly clear to me.

The real question is whether the content of the resolution in this case exceeds the authority of the CRC. While that is not as clear to me the authority to issue a resolution, in my opinion a non-binding request to the Board to temporarily delay taking action that might contradict the will of the voters in an upcoming referendum would still fall within the broad grant of authority to the CRC to “comprehensive[ly] study any and all phases of county government” since the goal of the resolution is to protect, temporarily at least, the results of that study until the voters can weigh in.

While I realize reasonable people may differ on this, I wanted to give you all the benefit of both my opinion and the analysis behind it.

Cliff

CLIFFORD B. SHEPARD | ATTORNEY AT LAW
BOARD CERTIFIED - CITY, COUNTY & LOCAL GOVERNMENT LAW



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From: Smith, Katie [mailto:Katie.Smith@occompt.com]
Sent: Monday, May 11, 2020 4:00 PM
To: 'Camille Evans' <cevens.crc@gmail.com>; Clifford Shepard <cshepard@shepardfirm.com>
Cc: Charter <charter2020@occompt.com>; Vaupel, Jessica <Jessica.Vaupel@occompt.com>; Lara-Klimetz, Jennifer <Jennifer.Lara-Klimetz@occompt.com>
Subject: RE: FW: FW: Split Oaks Resolution

Your quick response is much appreciated, Camille.

Cliff, please consider the direction provided by Chair specifically your opinion regarding the CRC's authority to adopt the resolution presented. I will do my part on prior CRCs and similar actions.

RESOLUTION NO. 2020-01

A RESOLUTION OF THE 2020 ORANGE COUNTY CHARTER REVIEW COMMISSION DECLARING OPPOSITION TO ANY ACTION BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING CENTRAL FLORIDA EXPRESSWAY AUTHORITY ROUTING THE EASTERN EXPRESSWAY EXTENSION THROUGH SPLIT OAK FOREST WILDLIFE AND ENVIRONMENTAL AREA PRIOR TO THE OUTCOME OF THE 2020 GENERAL ELECTION; PROVIDING FOR DELIVERY TO MEMBERS OF THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Split Oak Forest Wildlife and Environmental Area (SOFWEA) is a 25-year old community conservation park east of SR 15/Narcoossee Road, between Lake Hart, Lake Mary Jane and the Osceola County line, immediately west of Orange County's Moss Park and adjacent to Back to Nature Wildlife Refuge; and

WHEREAS, SOFWEA is a community conservation park created to protect vital habitat for the Gopher Turtles and is currently also serving as a mitigation bank to offset wetlands, uplands, and endangered species impacts from both private and public entities including the Orange County Convention Center; and

WHEREAS, a total of 1049.26 acres of the entire SOFWEA property are in Orange County and 639.74 acres in Osceola County; and

WHEREAS, SOFWEA has a rich variety of habitats that support a diversity of plant and animal species, is a designated Orange County Green PLACE site and is part of the Priority 1 Kissimmee-St Johns-Ocala Critical Linkage as identified by the University of Florida Geo Plan Center and the Florida Wildlife Corridor, connected to four other Orange County Parks: Eagle's Roost, Moss Park, Crosby Island Marsh Preserve, and Isle of Pine Preserve; and

WHEREAS, SOFWEA is a part of the Florida National Scenic Trail and has a marked trail system and is used for recreation by hikers, nature observers and photographers; and

WHEREAS, prescribed fire is the primary management tool for the area and Florida Fish and Wildlife Conservation Commission (FWC) has put a great deal of effort and public money into properly managing SOFWEA's fire-dependent ecosystems and previous populations of invasive species; and

WHEREAS, SOFWEA has hydrological importance given its confluence with adjacent and nearby lakes and the area also conserves important watershed and water quality attributes; and

WHEREAS, SOFWEA is a recipient site for over 100 Gopher Tortoises and several of the past and proposed Gopher Tortoise relocation areas would be impacted by the construction of the currently proposed route of the Osceola Parkway Extension; and

WHEREAS, any proposed Central Florida Expressway Eastern Extension proposed route would permanently alter and degrade the entirety of SOFWEA and would negatively impact existing threatened and endangered species, including Gopher Tortoise, Florida Scrub-Jay, Eastern Indigo Snake, Giant Orchid, Yellow Butterwort, Many-Flowered Grass Pink, Garberia, Florida Joint tail grass, and Byssus Skipper populations; and

WHEREAS, it is the intention of Orange County that the entirety of SOFWEA remain in public ownership as conservation land and an Orange County Green Place open for passive recreation; and

WHEREAS, Orange County entered jointly with Osceola County into a Grant Award Agreement on March 29, 1994 to create SOFWEA and committed hold these lands in conservation for perpetuity; and

WHEREAS, Orange County would be required to consent to the alteration or destruction of any portion of SOFWEA; and

WHEREAS, Article X, Section 18 of the Florida Constitution specifies that land held by any entity of the state for conservation purposes may not be disposed of unless it is no longer needed for conservation purposes; and

WHEREAS, the Florida Fish and Wildlife Conservation Commission has determined that all portions of SOFWEA “remain integral to the continued conservation of important fish and wildlife resources;” and

WHEREAS, a major highway through SOFWEA would destroy the important function this community conservation park was designed to provide; and

WHEREAS, the 2020 Orange County Charter Review Commission has received substantial input from Orange County residents pointing to clear popular support for establishing stronger protections for SOFWEA; and

WHEREAS, after careful consideration, the 2020 CRC Split Oak subcommittee has recommended the inclusion of an amendment to the Orange County charter to strengthen and expand existing protections for SOFWEA, giving Orange County voters the possibility to express themselves about SOFWEA in the upcoming 2020 General election.

NOW, THEREFORE, BE IT RESOLVED BY THE 2020 CHARTER REVIEW COMMISSION OF ORANGE COUNTY, FLORIDA:

Section 1. Recitals.

The recitals set forth above are hereby adopted as the findings of the 2020 Orange County Charter Review Commission.

Section 2. Statement of Opposition.

The 2020 Orange County Charter Review Commission opposes the Orange County Board of County Commissioners taking any action on location of an expressway through any portion of the Split Oak Forest Wildlife and Environmental Area prior to the outcome of the popular vote on the Split Oak Charter Amendment at the general election, November 3, 2020.

Section 3. Directions to Clerk.

The Clerk of the 2020 Orange County Charter Review Commission is hereby directed to provide a copy of this resolution to each member of the Orange County Board of County Commissioners.

Section 4. Effective Date.

This resolution shall take effect immediately upon its adoption.

THIS RESOLUTION WAS ADOPTED after motion, second and majority vote favoring the same, this ____ day of June, 2020.

**2020 ORANGE COUNTY CHARTER REVIEW
COMMISSION**

By: _____
Camille Evans, Chair

CHAIR CAMILLE EVANS
VICE CHAIR JAMES R. AUFFANT
RUSSELL DRAKE
JACK DOUGLAS
JOHN E. FAUTH
MATTHEW KLEIN
ANGELA MELVIN
JEFFREY A. MILLER



NIKKI MIMS
SAMUEL VILCHEZ SANTIAGO
SORAYA SMITH
LEE STEINHAEUER
EUGENE STOCCARDO
ANTHONY (TONY) SUAREZ
DOTTI WYNN

ORANGE COUNTY

2020 CHARTER REVIEW COMMISSION

FINAL REPORT

THE FINAL REPORT OF THE ORANGE COUNTY 2020 CHARTER REVIEW COMMISSION PROPOSING TO AMEND THE ORANGE COUNTY CHARTER TO: PROHIBIT POLLUTION OF THE WEKIVA AND ECONLOCKHATCHEE RIVERS AND OTHER WATERS OF ORANGE COUNTY; PROTECT SPLIT OAK FOREST BY RESTRICTING BOARD OF COUNTY COMMISSIONERS' AMENDMENT OF RESTRICTIONS AND COVENANTS; AND SUSPEND TIME FOR GATHERING PETITION SIGNATURES DURING THE MANDATORY REVIEWS AND SETTING DEADLINE FOR 1% NOTIFICATION UNDER SECTION 602.E. OF THE ORANGE COUNTY CHARTER.

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SECTION I - INTRODUCTION

This final report of the Orange County 2020 Charter Review Commission (the “2020 CRC” or “CRC”) contains a statement of the CRC’s authority, identifies the members of the 2020 CRC, summarizes the process and work performed, discusses the various evaluation topics considered by the CRC, and includes the CRC’s evaluation of those topics as well as the text of the three (3) proposed Charter amendments proposed by the 2020 CRC. The final report also includes a proposed draft set of bylaws for future Charter Review Commissions to consider.

A. The Authority of the Charter Review Commission.

The 2020 CRC is an independent commission, pursuant to Section 702 of the Orange County Charter. It is comprised of fifteen (15) Orange County electors appointed by individual members of the Board of County Commissioners (the “BCC” or the “Board”). The CRC is authorized to conduct a comprehensive study of all phases of county government and to place any proposed amendments or revisions to the Charter on the ballot for consideration during the general election without Board approval.

B. The Members of the 2020 CRC.

The fifteen (15) members of the 2020 CRC were appointed by the Board of County Commissioners, pursuant to the January 15, 2019 Orange County Resolution No. 2019-M-01, as follows:

James R. Auffant – Vice Chair (Commissioner Gomez-Cordero)	Matthew Klein (Commissioner Moore)	Soraya Smith (Commissioner Uribe)
Russell Drake (Commissioner Siplin)	Angela Melvin (Mayor Demings)	Lee Steinhauer (Commissioner VanderLey)
Jack Douglas (Commissioner Moore)	Jeffrey A. Miller (Mayor Demings)	Eugene Stoccardo (Commissioner Bonilla)
Camille Evans – Chair (Commissioner VanderLey)	Nikki Mims (Commissioner Siplin)	Anthony (Tony) Suarez (Commissioner Gomez-Cordero)
John E. Fauth (Commissioner Bonilla)	Samuel Vilchez Santiago (Commissioner Uribe)	Dotti Wynn (Mayor Demings)

On February 25, 2019, the CRC elected Member Camille Evans as Chair and

Member Carmen Torres as Vice-Chair of the 2020 CRC. On October 2, 2019, Member James R. Auffant was elected Vice-Chair following the resignation of Member Torres. Member Angela Melvin was appointed to complete the term of Member Torres.

C. Public Meetings and Work Performed by the 2020 CRC.

The work of the 2020 CRC was divided between eighteen (18) public meetings [through June 3, 2020] of the full CRC, six (6) of which were public hearings held in each of the six commission districts, and forty-two (42) meetings of various subcommittees and workgroups established by the full CRC to study and make recommendations on specific evaluation topics assigned to them. Nine (9) other sunshine meetings were held between the chair of the CRC and the vice chair, the chair of the CRC and chairs of the various subcommittees, and between two or more members of the CRC. Due to the COVID-19 social distancing requirements effective as of March of 2020, the full CRC also conducted five (5) meetings through approved communications media technology pursuant to the state of Florida and Orange County's respective executive orders.

The 2020 CRC conducted a comprehensive review of the Charter, including reports from prior CRCs, and received testimony, documents, and reports from county officials, staff, representatives of various political and community organizations, other interested parties, and the public regarding evaluation topics. Ultimately, the CRC voted to place three (3) prospective charter amendments on the ballot for consideration by Orange County voters in November of 2020. The CRC also voted to include proposed draft bylaws in an appendix to this final report for potential adoption by future Charter Review Commissions and a resolution to the Orange County Board of County Commissioners requesting postponement of any actions with respect to Split Oak Forest prior to the November 2020 election.

SECTION II – SUMMARY OF CRC PROCESS

Section 702(B) of the Orange County Charter permits the CRC to place proposed amendments and revisions of the Charter on the ballot at general elections no later than the last day for qualifying for election to county office under general law – June 19, 2020. To do so the CRC is required to prepare a final report including an analysis and financial impact statement regarding the estimated increase or decrease in any revenues or costs to the county, local governments within the county or to the citizens resulting from the proposed amendments or revisions. *Id.* The Charter further requires the CRC to hold no less than four (4) public hearings prior to presenting proposed Charter revisions and amendments to the public, to create and elect appropriate officers as it deems necessary for the orderly conduct of its duties, and for the BCC to defray any reasonable expenses of the CRC. The members of the CRC are not compensated for their work.

Neither the Charter nor Resolution 2019-M-01, which established the 2020 CRC, contain explicit protocols or procedures governing how the CRC is to conduct its business. Though the CRC has generally followed Roberts Rules of Order (“ROR”), there is no mandatory procedure for conducting the CRC’s business. Therefore, the CRC utilized ROR as a basic guide in conducting orderly meetings and votes on evaluation topics and motions before the CRC.

When a proposed topic was presented to the CRC by a seconded motion, the CRC first voted on whether to establish the topic for formal evaluation. If the motion carried, the CRC then voted on whether to consider the topic through the entire CRC or through referral to a subcommittee for further evaluation and recommendation to the CRC. For those topics referred to a subcommittee, on November 6, 2019, and as revised on November 25, 2019 and February 5, 2020, the CRC adopted Subcommittee Work Product Guidelines (the “Guidelines”). With respect to public comment during subcommittee meetings, the Guidelines require each subcommittee to provide up to three minutes for each member of the public to address the subcommittee, with an additional fifteen minutes set aside for each subcommittee chair, in his/her sole discretion, to allow additional public comment.

The Guidelines set forth the essential elements each subcommittee was required to follow with its evaluation topic and its final recommendations to the CRC. Those elements required subcommittee final recommendations to include: a review of the process taken; a

review of the information received; a summary of the arguments for and against the recommended action; a review of the potential positive and negative impacts; and a recommendation to the CRC for or against placing a proposed amendment or revision on the ballot. If a subcommittee recommended placing an amendment or revision on the ballot, then the Guidelines required it to produce, with the assistance and vetting of the CRC's general counsel, a Ballot Title, Summary, and the actual language of the proposed amendment or revision.

The Guidelines provided a deadline of February 5, 2020, as the last date for inclusion of any new potential topics for evaluation by the CRC. They further provided that the original three subcommittees established by the CRC (Number and Composition of Commission Districts Subcommittee; Rights of the Wekiva and Econlockhatchee Rivers and Other Waters Subcommittee; and Ethics Concerning Lobbyists Subcommittee) would submit their final reports by February 5, 2020. The first reading of these subcommittees' work product occurred on February 5, 2020, and the second reading occurred on March 4, 2020.

The Guidelines provided a deadline of April 1, 2020¹ for the submission and first reading of the Split Oak Forest Subcommittee final report with second reading to be conducted on May 6, 2020. For all other subcommittees established by the CRC, the Guidelines provided a deadline of May 6, 2020, for the submission and first reading of other subcommittee's final reports. This deadline applied to those subcommittees formed between November 6, 2019, when the Guidelines were adopted, and February 5, 2020, the deadline for proposing new evaluation topics. The subcommittees established during that period were: Citizens Initiatives Subcommittee and Permanent Funding for Green PLACE Subcommittee.

On May 14, 2020, the Guidelines reserved time for re-evaluating any topics previously submitted and considered by the CRC that require additional input or information. The CRC's final vote approving this final report occurred on June 3, 2020.

¹ Due to the outbreak of COVID-19, state and local emergency orders were entered requiring non-essential workers to stay home and prohibiting gatherings of 10 or more people. Accordingly, the April 1, 2020 meeting was postponed and later held on April 20, 2020 via WebEx as approved communications media technology. All further regular CRC and subcommittee meetings were conducted through approved communications media technology. Such meetings were appropriately noticed to the public and full public participation was achieved at each meeting.

SECTION III – SUMMARY OF CRC PUBLIC MEETINGS AND PUBLIC HEARINGS

The following contains a summary of actions taken at public meeting and hearings by the 2020 CRC.

February 25, 2019 – Public Meeting: Pursuant to BCC Resolution 2019-M-01, the 2020 CRC convened for its first public meeting. None of the appointed members were elected officials. Orange County Mayor Jerry L. Demings welcomed the members and thanked them for their willingness to serve on the CRC. The CRC elected Camille Evans as its Chair and Carmen Torres as its Vice Chair. Orange County Comptroller Phil Diamond explained the role of the Comptroller's Office in facilitating CRC deliberations and the administrative functions regarding the CRC's budget, staffing and office space. Comptroller Diamond also explained how the Comptroller's website would be utilized for maintaining agendas, minutes, historical records, and all public records related to the CRC. Assistant County Attorney Kate Latorre presented information related to the CRC members' responsibility to abide by the Sunshine and Public Records Laws, the State Code of Ethics, and basic Rules of Procedure. Deputy Clerk Katie Smith summarized the selection process for General Counsel. A Procurement Committee was formed to review responses to a Request for Proposal for General Counsel for the 2020 CRC. A schedule for future CRC public meetings was proposed and approved.

March 14, 2019 – Public Meeting: Chair Evans welcomed the newest member of the 2020 CRC, Member Mims. Assistant County Attorney Latorre presented additional information regarding the Sunshine and Public Records Laws with respect to social media platforms, including retention schedules. Updates and discussion ensued regarding the General Counsel Procurement Process and Committee. Chair Evans updated the CRC regarding its meeting and public hearing schedule with invitations to elected officials for presentations. Potential areas of focus or evaluation for the CRC were invited and Vice Chair Torres presented potential topics. Member Stoccardo discussed the following potential evaluation topics: Legislative and Executive branch structure; Environmental topics such as the urban service line and restricting urban sprawl; and transportation issues. Chair Evans stated that she would meet with the Vice Chair at a publicly noticed sunshine meeting to discuss the procedure for establishing subcommittees and evaluating topics. Member topics for evaluation were requested in writing by March 29, 2020.

April 11, 2019 – Public Meeting: Chair Evans discussed the procedure for members speaking during meetings and provided additional information regarding the sunshine meetings the Chair and Vice Chair would hold during the CRC's term. Chair Evans discussed methods for conducting community outreach. The CRC's first public hearing would be held on May 1, 2019, at the Winter Park Community Center in District 5. The schedule for future public meetings and public hearings was discussed and approved. Chair Evans discussed the potential selection of Shepard, Smith, Kohlmyer & Hand, P.A. to provide general counsel services to the CRC.

Clifford B. Shepard, Esquire, addressed the CRC. The CRC voted to select Shepard, Smith, Kohlmyer & Hand, P.A. as general counsel for the 2020 CRC. General Counsel was tasked with preparing a legal memorandum regarding the status of county constitutional officers.

May 1, 2019 – Public Hearing No. 1 – District 5: This meeting was the first of six (6) district public hearings and was held in District 5 at the Winter Park Community Center. Janette Martinez addressed the CRC on behalf of Commissioner Emily Bonilla, who was an invited speaker. Public comment and materials were received from eleven (11) persons. Chair Evans discussed a memorandum regarding Historical Information Collected by the CRC on the Evaluation of the Number of Commission Districts, and a request for action from the Sierra Club. Chair Evans further discussed a timeline for how subcommittees would be established for evaluating topics.

June 5, 2019 – Public Meeting: Orange County Comptroller Phil Diamond discussed the following areas of focus: Cost study regarding expansion of Commission Districts; Study of Tourist Development Tax; and Unlicensed contractors. Commissioners Betsy VanderLey, Christine Moore, and Emily Bonilla addressed the CRC. Commissioner Moore addressed: support of nonpartisan parties; number of commissioners within incorporated and unincorporated areas; and code enforcement where neighborhoods have no homeowner's association. Commissioner Bonilla addressed: separate executive branches; rural boundary protection; creating honesty clauses; and holding BCC meetings during evening hours. Three (3) persons provided public comment. Discussion ensued regarding the presentation of potential topics for evaluation and staff was directed to compile and maintain an updated list of potential topics presented by CRC members, invited guests and the public. General Counsel Shepard provided a presentation regarding the status of constitutional officers and discussion ensued.

July 10, 2019 – Public Hearing No. 2 – District 6: This meeting was the second of six (6) district public hearings and was held in District 6 at the Holden Heights Community Center. Commissioner Victoria P. Siplin addressed the CRC as an invited guest. Seventeen (17) persons provided public comment. General Counsel Shepard presented the proposed evaluation topic of Number and Composition of County Commission Districts and discussed the actions and findings of previous Charter Review Commissions. A motion was made by Member Smith and seconded by Member Mims to have the Number and Composition of County Commission Districts established as a formal evaluation topic for the 2020 CRC. The motion carried 8 to 4, with Members Douglas, Drake, Fauth, Miller, Mims, Smith, Stoccardo and Torres voting Aye and Members Auffant, Evans, Steinhauer and Wynn voting Nay. The CRC voted to establish a Number and Composition of Commission Districts Subcommittee. Chair Evans appointed Members Drake, Klein, Suarez and Wynn to serve on the subcommittee, with Vice Chair Torres to serve as the subcommittee's chair. General Counsel presented various proposed evaluation topics related to Land Use and Zoning. A motion was made by Member Stoccardo, seconded by Member Wynn, to have the various Land Use and Zoning topics established as an evaluation

topic. The motion failed 4 to 8. General Counsel presented the proposed evaluation topic of Unlicensed Contractor Activity. A motion was made by Member Steinhauer, seconded by Member Auffant, to table the proposed evaluation topic until more information is received from the County Attorney's Office. The motion carried 12 to 0. General Counsel presented the proposed evaluation topic related to the Rights of the Wekiva River and Econlockhatchee River. The request was to amend the Charter to provide protection and rights to these rivers and natural features. A motion was made by Member Stoccardo, seconded by Vice Chair Torres, to have the Rights of the Wekiva and Econlockhatchee River established as an evaluation topic. The motion carried 7 to 5, with Members Fauth, Douglas, Stoccardo, Drake, Torres, Auffant and Mims voting Aye and Members Evans, Miller, Smith, Steinhauer and Wynn voting Nay. The CRC voted to establish a Rights of the Wekiva River and Econlockhatchee River Subcommittee. Chair Evans appointed Members Auffant, Fauth, Mims and Suarez to serve on the subcommittee, with Member Stoccardo to serve as the subcommittee's chair. General Counsel presented the proposed evaluation topic Ethics for Appointing Lobbyist to Citizen Boards and Commissions. The request was for the development of an ethics rule prohibiting lobbyists from serving on appointed boards and committees. Following discussion, General Counsel agreed to provide a memorandum regarding the County's current ethics rules and state law pertaining to lobbyists serving on appointed boards and committees. A motion was made by member Stoccardo, seconded by Member Auffant, to have Ethics for Appointing Lobbyists to Citizen Boards and Commissions tabled until the next public meeting. The motion carried.

August 7, 2019 – Public Hearing No. 3 – District 1. This meeting was the third of six (6) district public hearings and was held in District 1 at Dr. Phillips High School. Three (3) persons provided public comment. With respect to the potential evaluation topic of Unlicensed Contractor Activity, General Counsel advised the CRC that the Orange County Attorney's Office maintains there are no current restrictions for entering into Interlocal Agreements, under state law, with Orange County. Under Florida Law, local governments may seek civil and/or criminal penalties for unlicensed contract activity. Following discussion, no motion was made to establish Unlicensed Contractor Activity as an evaluation topic. General Counsel presented additional information regarding the proposed evaluation topic – Ethics for Appointing Lobbyists to Citizen Boards and Commissions. A motion was made by Member Stoccardo, seconded by Member Vilchez Santiago, to have Ethics for Appointing Lobbyists to Citizen Boards and Commissions established as an evaluation topic. The motion carried 7 to 4, with Members Drake, Fauth, Klein, Vilchez Santiago, Smith, Stoccardo and Torres voting Aye, and Members Douglas, Evans, Steinhauer and Wynn voting Nay. The CRC voted to establish a subcommittee to study the evaluation topic. Chair Evans appointed Members Evans, Klein, Miller and Santiago to serve on the subcommittee, with Member Steinhauer to serve as the subcommittee's chair. The established subcommittee chairs provided an update on their progress. Chair Evans encouraged members to continue submitting new ideas and topics for evaluation.

October 2, 2019 – Public Meeting: Orange County Tax Collector Scott Randolph addressed the CRC as an invited guest. Eleven (11) persons, including Orange County School Board Chair Teresa Jacobs, Orange County School Board Member Melissa Byrd (District 7), and Orange County School Board Member Pam Gould (District 4), provided public comment and materials to the CRC. Chair Evans discussed the cancellation of the September 7th Public Hearing due to Hurricane Dorian and announced that the Public Hearing was rescheduled for January 2020 to be held at Wekiva High School. Due to the resignation of Vice Chair Torres from the CRC, Member Suarez nominated Member Auffant to serve as Vice Chair. The CRC voted to appoint Member Auffant as Vice Chair. General Counsel presented the proposed evaluation topic of School Concurrency and Overcrowding and indicated that the 2004 Charter Amendment implements school concurrency requirements through Ordinances, Interlocal Agreements and School Capacity Agreements. Discussion ensued. A motion to have School Concurrency and Overcrowding established as an evaluation topic died for lack of a second. General Counsel presented the potential evaluation topic concerning the establishment of an Ethics Commission, which arose from the meetings of the Ethics Concerning Lobbyists Subcommittee. A motion was made by Member Klein, seconded by Member Suarez, to expand the scope of the work performed by the current Ethics Concerning Lobbyists Subcommittee to include the establishment of an Ethics Commission. The motion carried 12 to 0. Chair Evans appointed Member Douglas to serve as the chair of the Number and Composition of County Commission Districts Subcommittee. The established subcommittees updated the CRC on their progress. A motion was made by Member Stoccardo to appoint Member Stoccardo to the Ethics Concerning Lobbyists Subcommittee. The motion was seconded by Member Smith. The motion failed 5 to 7.

November 6, 2019 – Public Hearing No. 4 – District 4: This meeting was the fourth of six (6) district public hearings and was held in District 4 at the Meadow Woods Recreation Center. Commissioner Maribel Gomez Cordero addressed the CRC as an invited guest. Seventeen (17) persons provided public comment and materials to the CRC. Chair Evans presented the Subcommittee Work Product Guidelines. A main motion was made by Member Miller, seconded by Member Wynn, to adopt the Guidelines as amended. The main motion carried with two amendments, including an amendment to allow three minutes for public comment with an additional fifteen minutes at the conclusion of subcommittee meetings at the discretion of the chair. A motion to amend the main motion was also made by Chair Evans, seconded by Member Wynn, to require two full readings of subcommittee work product before the full CRC renders a final vote.

General Counsel presented the proposed evaluation topic to restrict the BCC from voluntarily allowing any development within The Split Oak Forest Mitigation Park. The forest is an 1,800-acre environmental mitigation park southeast of the Orlando International Airport that extends into Osceola County. Split Oak Forest's status as an environmental preserve was established by a pair of 1994 interagency agreements between Orange County, Osceola County, and the State of Florida. However, the agreements may be amended by approval of the counties and the

Florida Community Trust. In addition, a portion of Split Oak Forest is being contemplated for use as an extension of the Osceola Parkway Expressway by the Central Florida Expressway Authority. A motion was made by Vice Chair Auffant, seconded by Vilchez Santiago, to have Split Oak Forest established as an evaluation topic. The motion carried 12 to 0, with Chair Evans abstaining due to a potential conflict. A motion was made by Vice Chair Auffant, seconded by Member Vilchez Santiago, to establish a subcommittee to study the evaluation topic. The motion carried with Chair Evans abstaining. Vice Chair Auffant appointed Members Drake, Fauth, Mims and Vilchez Santiago to serve on the subcommittee with Vice Chair Auffant serving as the subcommittee's chair.

General Counsel presented the proposed evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process. The 2016 CRC placed a comprehensive charter amendment on the ballot concerning citizen initiative petitions to amend the charter. That ballot measure passed. A motion was made by Member Vilchez Santiago, seconded by Member Stoccardo, to have the Citizen Initiated Charter and Ordinance Amendment Process established as an evaluation topic by the 2020 CRC. The motion carried 8 to 5 with Members Auffant, Drake, Fauth, Melvin, Mims, Vilchez Santiago, Smith and Stoccardo voting Aye, and Members Evans, Klein, Miller, Steinhauer and Wynn voting Nay. The CRC voted to establish a subcommittee to study the evaluation topic. Chair Evans appointed Members Douglas, Melvin, Miller and Wynn to serve on the subcommittee, with Member Smith serving as the subcommittee's chair.

General Counsel presented the potential evaluation topic of Full-Time Board of County Commissioner Positions. The issue of making commissioners full or part-time arose from the meetings of the Number and Composition of County Commission Districts Subcommittee. The subcommittee did not want to examine the issue without the support of the full CRC. A motion was made by Member Klein, seconded by Member Fauth, to expand the scope of the subcommittee to include consideration of whether to have a full-time Board of County Commissioner positions. The motion carried 10 to 3, with Members Evans, Auffant, Drake, Fauth, Klein, Melvin, Miller, Steinhauer, Stoccardo and Wynn voting Aye, and Members Mims, Santiago, and Smith voting Nay.

Member Stoccardo provided an update on the progress of the Rights of the Wekiva River and Econlockhatchee River Subcommittee. Chair Evans expressed concern that the definition of "waters" in the current proposed subcommittee language is beyond the scope of the rivers in question. Member Stoccardo indicated that the subcommittee members expanded the scope of the definition as it was necessary to include the basins of those rivers. A motion was made by Vice Chair Auffant, seconded by Member Stoccardo, to expand the scope of the Rights of the Wekiva River and Econlockhatchee River to include all bodies of water in Orange County. The motion carried 8 to 4 with Members Auffant, Drake, Fauth, Melvin, Mims, Vilchez Santiago, Smith and Stoccardo voting Aye, and Members Evans, Klein, Miller, and Steinhauer voting Nay. Updates were provided from the other subcommittees.

December 4, 2019 – Public Hearing No. 5 – District 3: This meeting was the fifth of six (6) district public hearings and was held in District 3 at the Englewood Neighborhood Center. One (1) person provided public comment. Commissioner Mayra Uribe addressed the CRC and stated that she did not see the need for additional districts. Subcommittee updates were provided by the various chairs.

January 9, 2020 – Public Hearing No. 6 – District 2: This meeting was the sixth of six (6) district public hearings and was held in District 2 at Wekiva High School. Commissioner Christine Moore and City of Apopka Mayor Bryan Nelson addressed the CRC as invited guests. Ten (10) persons provided public comment and materials to the CRC. Chair Evans reminded members that they are appointed on behalf of all residents of Orange County and not just those who share the same interests or ideas. General Counsel presented the potential evaluation topic of Permanent Funding for Green PLACE. The evaluation topic was offered as a proposed charter amendment by Member Stoccardo. The stated purpose is to provide permanent funding to purchase environmentally sensitive lands in Orange County. General Counsel Shepard indicated there has not been a prior similar proposed charter amendment. Since 1991, there has been a Public Service Tax, which reserves a minimum of \$7,500,000.00 yearly for parks, recreation, and environmentally sensitive lands. General Counsel outlined pros and cons of the Member Stoccardo's proposal. General Counsel stated that he did not know if the proposal is legal because it affects the budget. A motion was made by Member Stoccardo, seconded by Member Vilchez Santiago, to have Permanent Funding of Green PLACE established as an evaluation topic for the 2020 CRC. No vote was taken, and discussion ensued. Member Stoccardo indicated that he was in favor of tabling the motion until General Counsel could provide a memorandum as to the proposal's legality. Chair Evans indicated that the issue would be tabled to the following meeting. Subcommittee updates were provided.

February 5, 2020 – Public Hearing: This meeting was first reading of the work product produced by The Number and Composition of County Commission Districts, The Rights of the Wekiva River and Econlockhatchee River, and Ethics Concerning Lobbyists Subcommittees. Eight (8) persons provided public comment and materials to the CRC. Chair Evans reminded the CRC that February 5th was the deadline for consideration of new potential evaluation topics under the Guidelines. With respect to financial impact analysis, a motion was made by Member Steinhauer, seconded by Member Wynn, to approve a request to have the Comptroller be the designated entity to provide the financial impact analysis. The Motion carried 13 to 0. General Counsel presented the proposed evaluation topic Permanent Funding of Green PLACE. This topic involves requiring the county to spend \$7,500,000.00 on the acquisition of environmentally sensitive lands each year. General Counsel noted that several persuasive Attorney General Opinions and at least once Florida Circuit Court have concluded that such ballot proposals are unconstitutional because they affect the county's taxing and spending authority. A motion was made by Member Stoccardo, seconded by Member Vilchez Santiago, to establish Permanent Funding of Green PLACE as an evaluation topic for the CRC. The motion carried by a vote of 7 to 6 with Members Drake, Fauth, Melvin, Mims, Santiago, Smith and Stoccardo

voting Aye, and Members Evans, Douglas, Miller, Steinhauer, Suarez and Wynn voting Nay. The CRC voted to establish a subcommittee to study the evaluation topic. Chair Evans appointed Members Melvin, Smith, Steinhauer and Stoccardo to serve on the subcommittee, with Chair Evans serving as subcommittee chair. With respect to the Citizen Initiative Charter Amendment Subcommittee, Chair Smith requested authority to extend their scope to look at all aspects of the 180-day timeline currently set forth in the charter. A motion was made by Member Smith, seconded by Member Drake, to approve expanding the scope of the subcommittee's evaluation topic. The motion carried 13-0.

Chair Steinhauer presented the First Reading of the Ethics Concerning Lobbyists Subcommittee's final report. Based upon their review, the subcommittee recommends no amendments to the Orange County Charter be made as to Ethics Concerning Lobbyists or an Ethics Commission. A motion was made by Chair Evans, seconded by Member Miller, to approve the first reading on the recommendation of the subcommittee. The motion carried 8 to 4 with Members Evans, Douglas, Drake, Melvin, Miller, Mims, Steinhauer and Wynn voting Aye, and Members Fauth, Vilchez Santiago, Smith and Stoccardo voting Nay.

Chair Douglas presented the First Reading of the Number and Composition of County Commission Districts Subcommittee's final report. Based upon their review, the subcommittee recommends no amendments to the Orange County Charter be made as to the Number and Composition of County Commission Districts or with respect to whether BCC members are full or part-time officers. A motion was made by Chair Evans, seconded by Member Wynn, to approve the first reading on the recommendation of the subcommittee. The motion carried 12 to 0.

Member Mims presented the First Reading of the Rights of the Wekiva River and Econlockhatchee River Subcommittee's final report. The subcommittee recommended an amendment to the Orange County Charter, including Ballot Title, Summary, and Text of the proposed amendment. Discussion ensued concerning the legality of the proposal on the basis of vagueness, equal protection, preemption, including similar measures which have been found unconstitutional in federal court. General Counsel contributed to those discussion and expressed similar concerns. A motion was made by Member Mims, seconded by Member Vilchez Santiago, to approve the first reading to place on the ballot a proposed charter amendment, including the Ballot Title, Summary and Text of the Amendment for the general election establishing the Rights of the Wekiva River and the Econlockhatchee River and all other waters in Orange County, including a private right of action by all Orange County Citizens against corporations and governments. The motion carried 7 to 5 with Members Drake, Fauth, Melvin, Mims, Vilchez Santiago, Smith and Stoccardo voting Aye, and Members Evans, Douglas, Miller, Steinhauer, and Wynn voting Nay.

Member Mims presented an update from the Split Oak Forest Subcommittee. Member Vilchez Santiago proposed a resolution be made by the CRC declaring its opposition to any action by the Orange County Board of County Commissioners regarding Central Florida Expressway Authority's routing the eastern extension of

the Osceola Parkway through Split Oak Forest prior to the outcome of the 2020 general election. Member Mims made a motion, seconded by Member Santiago, to revise the Guidelines to allow the Split Oak Forest Subcommittee to present its final report and recommendations at the April 2020 meeting of the CRC in order to give the Comptroller's office sufficient time to prepare financial impact analysis. The motion carried 11 to 0 with Member Miller abstaining.

March 4, 2020 – Public Meeting: This meeting was the second reading of the work product and recommendations from the Number and Composition, Ethics Concerning Lobbyists, and Rights of the Wekiva River and Econlockhatchee River and all other waters of Orange County Subcommittees. Eleven (11) persons provided public comment and materials to the CRC.

With respect to the Ethics Concerning Lobbyists and Ethics Commission, Chair Steinhauer provided comments and thanked members and staff for their work and due diligence. A motion was made by Member Steinhauer, seconded by Member Miller, to approve the recommendation that no changes to the Orange County Charter be placed on the ballot by the CRC with respect to the subcommittee's evaluation topics. The motion carried 9 to 5 with Members Evans, Auffant, Douglas, Drake, Klein, Melvin, Miller, Steinhauer and Wynn voting Aye, and Members Fauth, Mims, Vilchez Santiago, Smith and Stoccardo voting Nay.

With respect to the Number and Composition of County Commission Districts and whether to amend the charter to reflect whether County Commissioners are full or part-time officers, Chair Douglas provided comments and thanked members and staff for their work. A motion was made by Member Douglas that no changes to the Orange County Charter be placed on the ballot by the CRC with respect to the subcommittee's evaluation topics. The motion carried 14-0.

With respect to the Rights of the Wekiva River and Econlockhatchee River and all other waters of Orange County, Member Mims provided comments and thanked members and staff of their work. A discussion ensued regarding the legality of the proposed charter amendment. A motion was made by Member Drake, seconded by Member Vilchez Santiago, to approve the Rights of the Wekiva River and Econlockhatchee River and all other waters of Orange County Subcommittee's recommendation to place the proposed Ballot Title, Summary, and Text Amendment on the ballot for the 2020 general election. The motion carried 9 to 5 with Members Auffant, Douglas, Drake, Fauth, Melvin, Mims, Vilchez Santiago, Smith and Stoccardo voting Aye, and Members Evans, Klein, Miller, Steinhauer and Wynn voting Nay.

Other subcommittees provided updates on their progress.

April 20, 2020 – Public Meeting – Communications Media Technology: This meeting was the first reading of the Split Oak Forest Subcommittee's work product and recommendation to amend the Orange County Charter to protect Split Oak Forest by restricting the Board of County Commissioner's ability to amend current agreements, restrictions and covenants running with land related to the forest. Fourteen (14) persons provided public comment and ten (10) persons submitted written comments. Chair Evans reminded members that the CRC's Final Report would be considered by the CRC during the May 29, 2020 meeting and approved during the June 3, 2020 meeting.

As to the Split Oak Forest subcommittee's recommendation, Chair Auffant provided the report and thanked committee members and staff. The subcommittee recommended an amendment to the Orange County Charter including Ballot Title, Summary, and Text of the proposed amendment be placed on the November 2020 ballot. Chair Auffant stated that Split Oak Forest was never meant to be developed, but, currently, the agreements governing Split Oak Forest permit Orange County, Osceola County, and the State of Florida to permit development by a majority vote. The purpose of the proposed amendment is to prevent this possibility by restricting the Orange County Board of County Commissioners' ability to amend the agreements governing Split Oak Forest. A motion was made by Member Santiago, seconded by Member Stoccardo, to approve the first reading of the Split Oak Forest subcommittee's recommendation. The motion carried 10 to 4 with Members Auffant, Drake, Fauth, Melvin, Mims, Santiago, Smith, Steinhauer, Stoccardo, and Suarez voting Aye and Members Evans, Douglas, Klein and Wynn voting Nay. Member Miller abstained due to a potential conflict of interest.

The Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding for Green PLACE subcommittees provided updates to the full CRC.

Chair Evans announced that on April 9, 2020 the Comptroller's Office delivered the financial analysis report with respect to the CRC's approved Ballot Title, Summary, and Text of the proposed charter amendment with respect to the Rights of the Wekiva River and Econlockhatchee River and all Other Waters of Orange County. Discussion ensued.

Member Mims address the CRC regarding a request to prepare a set of bylaws to govern future Charter Review Commissions' procedures. Discussion ensued. General Counsel reminded members that any such bylaws or rules of procedure prepared by this CRC would not bind future Charter Review Commissions. Chair Evans requested members who wished to volunteer for a CRC Bylaws Work Group to study the issue. The members who volunteered to serve on the Bylaws Work Group are: Chair Evans, Member Mims, Member Smith, Member Stoccardo and Member Vilchez-Santiago.

May 6, 2020 – Public Meeting – Communications Media Technology: This meeting was the second reading of the Split Oak Forest Subcommittee's work product and recommendation, and the first readings of the Citizen-Initiated Charter

and Ordinance Amendment Process and Permanent Funding for Green PLACE subcommittees' work product and recommendations. Nine (9) persons provided public comment and thirty-seven (37) persons provided written comments for the CRC to consider.

With respect to the Split Oak Forest Subcommittee's report, Member Mims presented the subcommittee's report, thanking staff and members of the public for comments and support. A motion was made by Member Vilchez-Santiago, seconded by Member Mims, to approve the Split Oak Forest Subcommittee's recommendation to place the proposed Ballot Title, Summary, and Text Amendment on the ballot for the 2020 general election. The motion carried 10 to 3, with Members Auffant, Drake, Fauth, Melvin, Mims, Santiago, Smith, Steinhauer, Stoccardo, and Suarez voting Aye, and Members Evans, Klein, and Wynn voting Nay.

Subcommittee Chair Smith presented the first reading of the Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee's work product and recommendation. Chair Smith thanked all invited guests, members of the public and staff who contributed to the subcommittee's report and recommendation. The subcommittee initially reviewed the percentage of signed petitions required in each commission district to place a citizen-initiated charter or ordinance amendment on the ballot. The subcommittee also reviewed all aspects of the 180-day time-period, provided under Section 602 of the Orange County Charter, for obtaining the necessary petitions, including the final of the 2016 Orange County Charter Review Commission. In 2016, a comprehensive amendment to the Orange County Charter with respect to citizen-initiated charter or ordinance amendment process was placed on the 2016 ballot by the 2016 Orange County Charter Review Commission and passed by a large majority of the voters. Nevertheless, many invited guests and some members of the public expressed concern that barriers exist to successfully placing a citizen-initiated charter or ordinance amendment on the ballot. Ultimately, the subcommittee determined citizen petitions should have the benefit of the full 180-day time period, which requires suspending or tolling that time period while the Comptroller, Legal Review Panel, Supervisor of Elections, and the Board of County Commissioners perform their mandatory review of said petitions. In addition, the subcommittee determined, in consultation with the Supervisor of Elections, that a ten (10) day deadline should be established in the Orange County Charter for the Supervisor of Elections to notify the Orange County Board of County Commissioners, the Orange County Comptroller and the Legal Review Panel when the petitioner reaches the 1% threshold. Accordingly, the subcommittee recommended an amendment to the Orange County Charter, including Ballot Title, Summary and Text Amendment be placed on the November 2020 ballot. A motion was made by Chair Smith, seconded by Member Miller, to approve the subcommittee's recommendation on first reading. The motion carried 13 to 0 with two members absent.

During the discussion of the subcommittee's recommendation, Member Fauth discussed a possible typographical error in the charter, which is not addressed in the subcommittee's report. General Counsel contributed to the discussion and stated that the identified error did not appear to be part of the actual charter but part of

Municode, a company that electronically publishes municipal and county charters and ordinances. General Counsel and staff were directed to review the matter and report back at the next CRC meeting.

As to the Permanent Funding for Green PLACE Subcommittee, General Counsel presented the First Reading of the subcommittee's final report. Based upon their review, and the legal opinions provided by General Counsel, the subcommittee recommends no amendments to the Orange County Charter be made with respect to Permanent Funding for Green PLACE. A motion was made by Member Steinhauer, seconded by member Miller, to approve the first reading of the recommendation by the subcommittee. The motion carried 10 to 3 with Members Evans, Auffant, Drake, Melvin, Miller, Mims, Santiago, Smith, Steinhauer, and Wynn voting Aye, and Members Fauth, Klein, and Stoccardo voting Nay.

Chair Evans provided the CRC with an update regarding the Bylaws Workgroup.

May 14, 2020 – Public Meeting – Communications Media Technology: This meeting was the second reading of the Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding for Green PLACE subcommittees' work product and recommendations.

Subcommittee Chair Smith presented the Second Reading of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation. Chair Smith sought clarification from General Counsel as to the apparent typographical error in the charter. General Counsel reported that the Orange County Attorney's Office confirmed that the error was made by Municode and the actual text amendment recommended by the 2016 Charter Review Commission and the ballot approved by the voters in 2016 did not contain the identified error. Thus, it is merely a scrivener's error and not a substantive error, Orange County will direct Municode to make the correction and the 2020 CRC's final report and proposed Text Amendment by the subcommittee, if approved, will not include the scrivener's error.

Chair Smith made a motion to approve the subcommittee's recommendation, including the Ballot Title, Summary and Text Amendment, which was seconded by Member Wynn. During discussion of the main motion, Member Stoccardo made a motion to amend the main motion to include a new text amendment to the Orange County Charter concerning Section 601 of the Charter governing Citizen-Initiated Charter and Ordinance Amendments. The amendment motion was seconded by Member Fauth. Discussion ensued. The amendment motion failed by a vote of 2 to 11 with two members absent. The main motion carried 13 to 0 with two members absent.

As to the Permanent Funding for Green PLACE Subcommittee, General Counsel presented the Second Reading of the subcommittee's report, which recommended no change to the Orange County Charter be placed on the 2020 ballot. A motion was made by Member Steinhauer, which was seconded by Member Smith, to approve the subcommittee's recommendation on second reading. The motion carried 11 to 2,

with Members Evans, Auffant, Douglas, Drake, Klein, Melvin, Miller, Santiago, Smith, Steinhauer, and Wynn voting Aye, and Members Fauth and Stoccardo voting Nay.

Chair Evans provided an update on the progress of the Bylaws Workgroup. She stated that the Workgroup had developed a set of proposed bylaws for future Charter Review Commissions to consider and those proposed bylaws would be presented to the full 2020 CRC as part of an appendix to the draft final report.

Member Vilchez-Santiago stated that he would offer a proposed resolution for the 2020 CRC to consider with respect to Split Oak Forest at its next regular business meeting on May 29, 2020.

May 29, 2020 – Public Meeting – Communications Media Technology: The purpose of this meeting was to hold a work session on the draft final report and to consider a draft resolution proposed by Member Vilchez-Santiago with respect to Question #2. The CRC received public comment from [REDACTED] persons and written comments from [REDACTED] persons.

June 3, 2020 – Public Meeting – Communications Media Technology: The purpose of this meeting was to approve the Final Report of the 2020 Charter Review Commission. A motion was made by Member [REDACTED], seconded by Member [REDACTED] to approve the Final Report of the 2020 Charter Review Commission. The motion carried [REDACTED] to [REDACTED] with Members [REDACTED], and [REDACTED] voting Aye, and Members [REDACTED], and [REDACTED] voting Nay.

**SECTION IV – AMENDMENTS APPROVED BY THE 2020
CRC TO BE PLACED ON THE 2020 GENERAL ELECTION
BALLOT**

QUESTION #1

A. Introduction.

This Charter amendment would provide for definitions, create natural rights for the waters of Orange County, the right to clean water, a private right of action and standing for citizens of Orange County to enforce these rights and injunctive remedies. The proposed amendment prohibits any governmental agency, non-natural person or corporate entity from intentionally or negligently polluting the Wekiva River and Econlockhatchee Rivers, or any other Waters within Orange County.

B. Ballot Proposal: The ballot title and question for Question #1 are as follows:

PROHIBITING POLLUTION OF THE WEKIVA
AND ECONLOCKHATCHEE RIVERS OR
OTHER WATERS OF ORANGE COUNTY

Amending the charter by providing charter protections for the natural rights of the Wekiva and Econlockhatchee Rivers or other Waters of Orange County by prohibiting pollution, providing a definition of Waters, providing a private right of action and standing for citizens of Orange County to enforce these protections against governmental agencies, non-natural persons or corporate entities that intentionally or negligently pollute the Waters, and providing for severability and exceptions.

Comptroller estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article 7 of the Orange County Charter is amended by adding Section 704.1. (Underline text is added to the charter).

Section 704.1 – Right to Clean Water, Standing and Enforcement.

A. Natural Rights of Orange County Waters and Citizens.

(1) The Wekiva River and Econlockhatchee River, portions of which are within the boundaries of Orange County, and all other Waters within the boundaries of Orange County, have a right to exist and to be protected against

Pollution.

(2) All Citizens of Orange County have a right to clean water by having the Waters of Orange County protected against Pollution.

B. Standing, Private Right of Action.

Orange County, municipalities within Orange County, any other public agency within Orange County, and all Citizens of Orange County shall have standing to bring an action in their own name or in the name of the Waters to enforce the provisions of this Section of the Charter. Such actions shall be filed in the Ninth Judicial Circuit Court in and for Orange County, Florida, or, where jurisdiction exists, in the United States District Court, Middle District of Florida, Orlando Division.

C. Violations.

It shall be unlawful and a violation of this Section of the Charter for any governmental agency, non-natural person or corporate entity to intentionally or negligently pollute the Wekiva River and Econlockhatchee Rivers within the boundaries of Orange County, or any other Waters within the boundaries of Orange County. Violations include the Pollution of Waters which exist exclusively on private property owned by the same person(s) or entity, but only where Pollution thereon interferes with or causes Pollution of other Waters within Orange County or unreasonably interferes with or is injurious to the health and welfare of others. This Section of the Charter applies only to violations that occur after the effective date of the amendment as provided in Subsection (H).

D. Remedies.

(1) Remedies for violations of this Section of the Charter shall be injunctive and/or other equitable relief, including but not limited to a writ of mandamus requiring the violator, to the greatest extent reasonably possible, to restore the Waters at issue to the condition as it existed prior to being polluted by the violator. The prevailing party shall be entitled to recover its reasonable costs, including costs of expert witnesses.

(2) Attorneys' fees are not compensable unless the court determines that the action brought under this Section of the Charter is frivolous, vexatious, or is brought solely for the purpose of harassing the defendant. If such a finding is made, the Court may also award reasonable attorneys' fees to the defendant as a sanction.

E. Exception.

The provisions of the Section shall not apply to Constructed Wetlands.

F. Definitions.

(1) “Citizen” or “Citizen of Orange County” means an adult resident of Orange County with legal residence in the United States who has resided within the county for at least one (1) year prior to filing an action under this Section.

(2) “Constructed Wetland” means a non-natural swimming pool and any artificial wetland that uses natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial water, greywater or stormwater runoff, to improve water quality.

(3) “Pollutant” means any substance or contaminant, whether manmade or natural, that is the source or cause of Pollution.

(4) “Pollution” shall have the same meanings as in FLA. STAT. § 376.031(17) and Rule 62-520.200(15), Florida Administrative Code, and means the non-natural presence in the Waters of Orange County of any one or more substances, contaminants, noise, or pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animals, fish, plant life, and water quality or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(5) “Waters” shall have the same meaning as in Rule 62-520.200(25), Florida Administrative Code, and includes, but is not limited to rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water within the boundaries of Orange County, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person or entity are included, but only to the extent the pollution thereon interferes or is injurious to other Waters, property or persons within Orange County.

G. Severability and Conflicts.

The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.

H. Effective Date.

This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

D. Financial Analysis and Impact:

Based on information provided by the Comptroller's Office, the cost of the proposed amendment will have no direct fiscal impact on Orange County or other local government revenues. However, the proposed amendment may have an indeterminate negative fiscal impact on Orange County and local governments by: causing Orange County to incur litigation costs to defend the amendment's enforceability; and causing Orange County or other local governments to incur litigation costs if they were sued in any future litigation. Also, to the extent plaintiffs prevailed in such lawsuits, Orange County or other local governments would be financially responsible for restoring the Waters at issue to the conditions existing prior to being polluted. Thus, according to the Comptroller, the actual cost, occurrence, scope, frequency, or complexity of any future litigation associated with the proposed amendment cannot be predicted, and therefore, its fiscal impact is unknown. The proposed amendment may also have an indeterminate positive fiscal impact by shifting environmental remediation costs to non-natural or corporate entities to the extent same are sued under this amendment and are required to restore the Waters at issue. Finally, the Florida Legislature recently approved CS/CS/CB 712, which if signed by the governor would preempt the proposed amendment and render it unenforceable.²

² Member Fauth objects to the inclusion of this portion of the Comptroller's financial impact analysis.

QUESTION #2

A. Introduction.

This Charter amendment would provide additional protections for the wildlife, vegetation, and environment of Split Oak Forest by restricting the Board of County Commissioners' ability to amend, modify or revoke the current restrictions and covenants limiting the use of Split Oak Forest to conservation use as set forth in the Interagency Agreement, Grant Award Agreement, and any other recorded restrictive covenants running with the land.

B. Ballot Proposal: The ballot title and question for Question #2 are as follows:

PROTECTING SPLIT OAK FOREST BY RESTRICTING BOARD OF COUNTY COMMISSIONERS' AMENDMENT OF RESTRICTIONS AND COVENANTS

Amending the charter by providing charter protections for Split Oak Forest by restricting the Board of County Commissioners' ability to amend, modify, or revoke the current restrictions and covenants running with the land, which limit the use of Split Oak Forest, in whole or in part, to conservation and the protection of its wildlife, vegetation, and environment as set forth in current agreements and restrictive covenants; and providing exceptions as provided by law.

Comptroller estimated financial impact:

_____ Yes

No

C. Text Revisions: Article X of the Orange County Charter is created and Section 1000.01 is added. (Underline text is added to the charter).

ARTICLE X – PROTECTION OF THE SPLIT OAK FOREST MITIGATION PARK

Section 1000.01 – Split Oak Forest Mitigation Park (“Split Oak Forest”)

A. Description. - Split Oak Forest is a Wildlife and Environmental Area of contiguous conservation land lying within Osceola and Orange County, with approximately 1,049 acres in Orange County and approximately 640 acres in Osceola County, and is more particularly described as:

Orange County Portion of Split Oak Forest

All of the South 1/2 of Section 27, Township 24 South, Range 31 East, less that portion thereof lying below the Meander line of Lake Hart established by U.S. Government Survey, Orange County, Florida.

All of Section 34, Township 24 South, Range 31 East.

The West 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 24 South, Range 31 East.

And also, all property, if any, located in South 1/2 of Section 27, Township 24 South, Range 31 East, lying lakeward of the U.S. Government Survey Meander Line for Lake Hart. Any such property rights shall remain and be appurtenant to the legal title to the real property lying contiguous to such lakeward property.

Osceola County Portion of Split Oak Forest

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 in Section 3, Township 25 South, Range 31 East according to the NEW AND CORRECTED MAP OF NARCOOSSEE, as filed and recorded in the Office of the Clerk of the Circuit Court of Osceola County, Florida in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; Together with all land adjoining the above described lots formerly shown as roads on said NEW AND CORRECTED MAP OF NARCOOSSEE which have heretofore been vacated, abandoned, closed and discontinued as public roads. All in Osceola County, Florida.

- B. Charter Protection.** On March 29, 1994, Orange County, Osceola County and the Florida Communities Trust entered into a Grant Award Agreement, Contract #94-CT-07-91-1A-J1-009, recorded in Orange County at O.R. Book 4721, Page 2133 and in Osceola County at O.R. Book 1180, Page 0078. The purpose of the

Agreement was, in part, to set forth the covenants and restrictions on the use of Split Oak Forest, which were intended to run with the land. On or about July 12, 1994, the Grant Award Agreement was amended to remove portions of the land from the collection of environmental mitigation fees. The Amendment to Grant Award Agreement and Modification of Interagency Agreement for Split Oak Mitigation Park is recorded in Orange County at O.R. Book 4876, Page 1083 and in Osceola County at O.R. Book 1249, Page 2942. In order to further preserve the conservation, wildlife, vegetation and environmental protection afforded Split Oak Forest under the Interagency Agreement and Grant Award Agreement, it is necessary to restrict the Orange County Board of County Commissioner's ability to amend or revoke those critical provisions of the Grant Award Agreement as amended.

C. Restrictions. Notwithstanding any general or special law of the State of Florida and its agencies to the contrary, the Orange County Board of County Commissioners is prohibited from:

1. Entering into any agreement by vote, consent or otherwise, or passing any ordinance or resolution which has the effect of amending, modifying or revoking the restrictions and covenants strictly limiting the use of Split Oak Forest, in whole or in part, for conservation and the protection of its wildlife, vegetation, and environment as set forth in the Interagency Agreement, Grant Award Agreement as amended, and any other restrictive covenants running with the land described in subsection A as of the effective date of this charter amendment; and
2. Entering into any new contract or agreement with any other public or private party, which would supersede the restrictions on the use of Split Oak Forest contained in the Interagency Agreement, Grant Award Agreement as amended or any other restrictive covenant running with the land.

D. Exception. The prohibitions set forth in this section shall not apply to any action, negotiation, amendment, modification, agreement, ordinance or resolution entered into or undertaken by the Orange County Board of County Commissioners, which provides greater, additional, and/or more stringent protections for the wildlife, vegetation and environment or the preservation of the use of Split Oak Forest as conservation land.

E. Severability and Conflicts. The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.

F. Effective Date. This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections, and shall not require further enabling legislation by the Orange County Board of County Commissioners.

D. Financial Analysis and Impact:

Based on information provided by the Comptroller's Office, the cost of the proposed amendment is approximately _____, which represents _____.

QUESTION #3

A. Introduction.

This Charter amendment would suspend the one hundred and eighty (180) day time period for the gathering of petition signatures during the completion of the reviews and procedures required by Sec. 602.E. of the Charter and set a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the County Commission, the Comptroller and Legal Review Panel under Sec. 602.E.(1) of the Charter. The intent is to give petitioners a full one hundred and eighty (180) days to gather the necessary signatures.

B. Ballot Proposal: The ballot title and question for Question #3 are as follows:

SUSPENDING TIME FOR GATHERING
PETITION SIGNATURES DURING
MANDATORY REVIEWS AND SETTING
DEADLINE FOR 1% NOTIFICATION

Shall the charter be amended by suspending the one hundred eighty (180) day time period for gathering signatures during mandatory reviews and procedures specified under Sec. 602.E. of the Charter and setting a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the County Commission, the Comptroller and Legal Review Panel under Sec. 602.E.(1) of the Charter?

Comptroller estimated financial impact:

_____ Yes

No

C. Text Revisions: Article VI, Sec. 602.A. and Sec. 602.E.(1) of the Orange County Charter are amended as follows:

(Underline text is added to the charter).

Sec. 602. - Procedure for initiative and referendum.

A. *Initiation and overview of process.* The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance.

Concurrent with this submission, the sponsor of an initiative petition shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one (1) subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. The one hundred eighty day (180) period shall be suspended and shall not recommence until the completion of all reviews and procedures required by Sec. 602.E. (legal review, financial impact statement, revised petition, sufficiency determination by supervisor of elections and public hearing). In the event sufficient signatures are not submitted during that one-hundred-eighty-day period (as extended by any suspension of same during the reviews and procedures required by Sec. 602.E.), the petition drive shall be rendered null and void and none of the signatures may be carried over onto another petition. If sufficient signatures are submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

E. Legal review, financial impact; public hearing.

1. *One (1) percent threshold.* Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall have ten (10) days to so notify the board, the comptroller and the legal review panel.

D. Effective Date. This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

E. Financial Analysis and Impact:

Based on information provided by the Comptroller's Office, the cost of the proposed amendment is approximately _____, which represents

_____.

SECTION V – FINAL ACTION ON ACCEPTED EVALUATION TOPICS

This section summarizes the final actions taken by the 2020 CRC on evaluation topics which were accepted by the CRC for further study and evaluation.

1. Sec. 2020 – Number of Commission Districts/Expansion of County Commission Districts

Proposal Summary: The CRC established a subcommittee to evaluate whether the number and composition of Orange County Commission Districts should be increased and/or modified to accommodate increases in Orange County's population. The Number and Composition of County Commission Districts Subcommittee recommended no changes be made to the Orange County Charter.

Final Action – Accepted

The CRC voted to accept the subcommittee's recommendation not to place any questions on the 2020 ballot with respect to the number and composition of Orange County Commission Districts.

2. Sec. 707 – Ethics Concerning Lobbyists and an Ethics Commission - Prohibiting Lobbyists from Serving on Appointed Advisory Boards and Committees, and the Establishment of an Ethics Commission

Proposal Summary: The CRC established a subcommittee to evaluate whether amendments to the Orange County Charter should be made prohibiting lobbyists from serving on Orange County appointed advisory boards and committees, and whether an Ethics Commission should be created. The Ethics Concerning Lobbyists and Ethics Commission Subcommittee recommended that no changes be made to the Orange County Charter.

Final Action – Accepted

The CRC voted to accept the subcommittee's recommendation not to place any questions on the 2020 ballot with respect to prohibiting lobbyists from serving on appointed advisory boards and committees, or for the establishment of an Ethics Commission beyond the Ethics Advisory Board which is currently provided for in Sec. 2-457 of the Orange County Code of Ordinances.

3. Proposed Sec. 704.1 – Right to Clean Water, Standing and Enforcement Rights of the Wekiva River and Econlockhatchee River and All Other Waters of Orange County

Proposal Summary: The CRC established a subcommittee to evaluate whether an amendment to the Orange County Charter should be made creating natural rights for the Wekiva River, the Econlockhatchee River, and all other Waters of Orange County, including whether Orange County citizens and governments should have standing to bring a private right of action against non-natural persons, corporations and governments to enforce the proposed charter amendment. The Rights of the Wekiva River and Econlockhatchee and all other Waters Subcommittee recommended that a proposed amendment to the Orange County Charter be placed on the ballot for the 2020 general election, establishing such rights and legal standing.

Final Action – Accepted

The CRC voted to accept the subcommittee's recommendation to place on the 2020 ballot the creation of Sec. 704.1 of the Orange County Charter, providing natural rights to Wekiva and Econlockhatchee Rivers and all other Waters of Orange County, and to create a private right of action for Orange County for natural citizens and governments to enforce the requirements of the proposed charter amendment against non-natural persons, corporations and governments.

4. Proposed Sec. 1000.01 – Split Oak Forest - Prohibiting the Orange County Board of County Commissioners from further amending, modifying or revoking the restrictions and covenants currently limiting the use of Split Oak Forest Mitigation Park

Proposal Summary: The CRC established a subcommittee to evaluate whether an amendment to the Orange County Charter should be made to restrict the Orange County Board of County Commissioners' ability to modify or revoke the current protections for Split Oak Forest for the protection of its wildlife, vegetation and natural environment. The Split Oak Forest Subcommittee recommended that a proposed amendment to the Orange County Charter be placed on the ballot for the 2020 general election.

Final Action – Accepted

The CRC voted to accept the subcommittee's recommendation to place on the 2020 ballot the creation of Sec. 1000.01 of the Orange County Charter, prohibiting the Board of County Commissioners from modifying or revoking the current agreements and covenants protecting Split Oak Forest.

5. Sec. 602 – Citizen-Initiated Charter and Ordinance Amendment Process - Reducing the Restrictions and Time Constraints

Proposal Summary: The CRC established a subcommittee to evaluate

whether amendments to the Orange County Charter should be made to reduce the restrictions and time constraints effecting Citizen-Initiated Charter and Ordinance Amendments. Those restrictions and time constraints were placed in the Orange County Charter in 2016, following a ballot proposal by the 2016 Charter Review Commission, which was approved by a large majority of Orange County voters at the 2016 general election. The Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee recommended that a proposed amendment be placed on the ballot suspending the 180-day time period for gathering signatures while the petition is reviewed by the Supervisor of Elections, the Comptroller, the Legal Review Panel, and the Board of County Commissioners; and to provide the Supervisor of Elections with a 10-day deadline to notify respective reviewing bodies when a petition has reached the 1% threshold.

Final Action – Accepted.

The CRC voted to accept the subcommittee's recommendation to place a proposed charter amendment on the ballot for the 2020 general election, amending Sec. 602.E. of the Orange County Charter to suspend the 180-day time-period for gathering signatures while the petition is reviewed, and to provide a 10-day deadline for the Supervisor of **Elections to notify respective reviewing bodies when a petition has reached the 1% threshold.**

6. Permanent Funding for Green PLACE - Requiring the Orange County Board of County Commissioners to spend \$7,500,000.00 per year to purchase environmentally sensitive lands

Proposal Summary: Following a proposal by Member Stoccardo, the CRC established a subcommittee to evaluate whether an amendment to the Orange County Charter should be made to require the Orange County Board of County Commissioners to spend \$7,500,000.00 per year to purchase environmentally sensitive lands. The Permanent Funding for Green PLACE Subcommittee recommended that no changes be made to the Orange County Charter.

Final Action – Accepted.

The CRC voted to accept the Permanent Funding for Green PLACE Subcommittee's recommendation that no change be made to the Orange County Charter.

7. Proposed Bylaws Workgroup

Proposal Summary: Following a proposal by Member Mims, the CRC established a workgroup to evaluate whether proposed bylaws should be drafted and included in the CRC's Final Report for future Charter Review Commissions to consider. The workgroup created a set of proposed bylaws and recommended that they be included in the 2020 Charter Review Commission's Final Report.

Final Action – *Accepted/Rejected*.

The CRC voted to **accept/reject** the workgroup's recommendation to include the set of non-binding, proposed bylaws in the Appendix of the 2020 Charter Review Commission's Final Report.

8. Split Oak Forest Resolution -

SECTION VI – SPANISH TRANSLATION OF BALLOT
QUESTIONS

CONCLUSION

Approved and resolved by the 2020 Orange County Charter Review Commission
on this ____ day of June 2020.

Camille Evans, **Chair**

James R. Auffant, **Vice Chair**

Russell Drake

Samuel Vilchez Santiago

Jack Douglas

Soraya Smith

John E. Fauth

Lee Steinhauer

Matthew Klein

Eugen Stoccardo

Angela Melvin

Anthony (Tony) Suarez

Jeffrey A. Miller

Dotti Wynn

Nikki Mims

APPENDIX A

Subcommittee Final Reports



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

December 18, 2019

Committee Recommendation

Number and Composition of County Commission Districts, and Full Time/Part Time Commissioners

Committee Members:

Jack Douglas, Chair
Russell Drake
Matthew Klein
Anthony (Tony) Suarez
Dotti Wynn

Summary of Recommendation

Beginning on July 24, 2019, the Number and Composition of County Commission Districts Committee (the "Committee") held five public meetings to hear public input and consider proposals relating to expanding the membership of the Orange County Commission. Additionally, on November 6, 2019, with the approval of the 2020 Orange County Charter Review Commission, the Committee's area of inquiry expanded to include analyzing whether the charter should be amended to expressly provide that county commissioners are full-time county officials. The Committee reviewed the work of a similarly-tasked committee of the 2016 CRC, historical population information, and anticipated costs of implementing proposals for expansion. The Committee further heard from county officials in writing and as invited guests, including Mayor Jerry L. Demings, Commissioners Betsy VanderLey, Maribel Gomez Cordero, Christine Moore, Emily Bonilla, and Mayra Uribe, County Administrator Byron W. Brooks, Supervisor of Elections Bill Cowles, Orange County Chief of Staff Roseann Harrington, and Office of Management and Budget Manager Kurt N. Petersen. The Committee also heard from members of public as to their respective concerns relating to the responsibilities, representativeness and responsiveness of current county commission districts.

Although some members of the public expressed concerns regarding the ability of Commissioners to perform their work with the growing population of Orange County, none of the Commissioners reported that they had difficulty or were unable to fulfill their duties. Mayor Jerry L. Demings also reported that he was unaware of any Commissioner being unable to manage their present duties and he advised the Committee that pursuant to Section 202 of the charter the County is required to reconsider and adjust its districts in response to the 2020 census. In response to Committee questions regarding whether Commissioners had the appropriate number of staff, Mayor Demings reported that they did, but if additional staff are needed, those issues may be addressed through the normal budgetary process. Thus, although the population of Orange County continues to grow, the vast majority of the evidence reviewed by the Committee does not indicate that there is an immediate need for additional districts or to expressly designate the Commissioners as full or part time County officers.

Committee Recommendation

After careful consideration of the information presented, Member Dotti Wynn made a motion that the Committee recommend no amendments to the Orange County Charter be made with respect to the number and composition of Orange County Districts. The motion was seconded by Member Matthew Klein. The Committee voted 5 to 0 in favor of the motion. Member Dotti Wynn also made a motion that the Committee recommend no amendments to the Orange County Charter be made with respect to whether the Board of County Commissioners are full or part-time officers. The motion was seconded by Member Russell Drake. The Committee voted 5 to 0 in favor of the motion.

While the population of Orange County may be growing by as many as 1,000 people per week, and there are a large number of residents per district, the majority of the evidence received by the Committee demonstrates that the growing population has not negatively impacted the ability of the Commissioners to perform their duties nor resulted in racial or demographic underrepresentation. Thus, having carefully considered the comments of current Commissioners, Mayor Demings, other county officials, members of the public, and the estimated cost of increasing the number and composition of districts in 2020, as well as other data presented, **the Committee recommends that no amendments to the County Charter be made with respect to the number and composition of commission districts or to the Commissioners' full or part time status.**



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

January 13, 2020

Committee Recommendation

Ethics Concerning Lobbyists Committee

Committee Members:

Lee Steinhauer, Chair
Camille Evans
Matthew Klein
Jeffrey A. Miller
Samuel Vilchez Santiago

Background

On July 10, 2019, the 2020 Charter Review Commission (the "CRC") initially considered whether to establish as an evaluation topic the establishment of ethics rules concerning the appointment of lobbyists to advisory boards and commissions established by the Orange County Board of County Commissioners (the "Commission"). The CRC voted to table the issue.

On August 7, 2019, the CRC renewed its consideration of whether to establish as an evaluation topic whether there should be ethics rules concerning the appointment of lobbyists to advisory boards and commissions. The CRC received a proposal from Member Eugene Stoccardo in favor of establishing an evaluation topic and a memorandum from General Counsel concerning current and forthcoming restrictions on lobbyists under state law and the Orange County Code. The CRC voted 7 to 4 in favor of establishing Ethics for Appointing Lobbyists to Advisory Boards and Commissions as an evaluation topic. The CRC also voted 10 to 1 in favor of creating a separate committee to explore the topic and report its findings back to the CRC.

Summary of Recommendation

Beginning on August 22, 2019, the Ethics Concerning Lobbyists Committee (the "Committee") held six public meetings to hear public input and consider proposals regarding ethics rules restricting registered lobbyists from serving on advisory boards or commissions. Additionally, on October 2, 2019, with the approval of the CRC, the scope of the Committee's area of inquiry expanded to include consideration of whether a separate Ethics Commission should be established in Orange County. The Committee considered and analyzed the current Orange County Ethics Code, which provides for the creations of an Ethics Advisory Board by the Commission by resolution, as well as current Orange County restrictions concerning lobbyists, state ethics regulations and restrictions on lobbyists, and the ethics codes of a number of other jurisdictions. The Committee also reviewed public records showing registered lobbyists who have been appointed to serve on advisory boards from the years 2009-2019, as well as reports, recommendations and ordinances resulting from the Orange County Ethics Task Force in the years 2007-2010, which led to the establishment of the

current Orange County Ethics Code and a code provision for the establishment of an Ethics Advisory Board by the Commission by resolution. The Committee further heard from the Orange County Comptroller's Director of Audit, Chris Dawkins, regarding the role of the Comptroller under the Orange County Charter and from Assistant County Attorney Kate Latorre concerning annual ethics training provided to advisory board members by the Orange County Attorney's Office and the number of ethics complaints filed in Orange County. The Committee also heard from members of the public as to their respective concerns and proposals relating to registered lobbyists serving on advisory boards and the possible creation of an independent ethics commission with investigation and enforcement authority.

After careful consideration of the information presented, the Committee voted 4 to 1 to recommend to the full CRC that no amendment to the Orange County Charter be made with respect to the Committee's evaluation topic.

Although some members of the public expressed concerns regarding registered lobbyists serving on advisory boards and commissions, and some members of the public were in favor of the creation of an independent ethics commission, the information reviewed by the Committee fails to establish a need for a prohibition on registered lobbyists from serving on advisory boards or commissions, or for the creation of an independent ethic commission, separate from the Ethics Advisory Board option currently available by resolution under the Orange County Ethics Code, to investigate and enforce the Orange County Ethics Code. The information reviewed by the Committee reflects that no ethics complaints have been filed in the past several years, only a minimal number of registered lobbyists have served on advisory boards or commissions since 2009, all without any indication that such service was related to their private lobbying activities, and Orange County currently has a robust Ethics Code. Accordingly, the Committee recommends that no amendments to the Orange County Charter be made with respect to the Committee's evaluation topic.

Reasons for Recommendation

1. Orange County has an Ethics Code.

As a result of an Orange County Ethics Task Force established by the Commission in the years 2007-2010, which spent considerable time and effort analyzing the issue, the current Ethics Code was created. The current Ethics Code establishes standards of conduct, procedures and due process for handling ethics complaints. In addition, the Ethics Code provides that the Commission may establish by resolution an Ethics Advisory Board at any time.

2. Florida Law and the Orange County Charter Regulate Lobbying.

The Committee reviewed memorandums prepared by General Counsel detailing the substantial regulation of lobbyists that currently exist under Florida Law and the Orange County Charter. Thus, new regulations or prohibitions on lobbyists serving on advisory boards or commissions may be duplicative or conflict with such laws.

3. No Substantial Evidence of a Problem.

No ethics complaints have been filed in recent years. No information was provided to the Committee indicating that any of the very few registered lobbyists who have volunteered to serve on advisory boards or commissions since 2009 did so inappropriately or at the behest of their principals. Furthermore, existing laws and regulations appear to cover any such inappropriate conduct. Prohibiting Orange County citizens from serving on advisory boards or commissions simply because they are employed as a lobbyist may have a chilling effect on those few citizens who are willing to serve in the future.

Arguments Against Recommendation

1. Conflicts of Interests and Public Perception of Lobbyists.

Some members of the public expressed concerns that without a prohibition on lobbyists serving on advisory boards or commissions there will be inherent conflicts of interests in our government. The public perception of lobbyists is that they serve the interests of their principal. In order to avoid that perception and the appearance of impropriety, lobbyists should be prohibited from serving on advisory boards and commissions in Orange County.

2. Other Jurisdictions Regulate Lobbyists and Have Strong Ethics Commissions.

Some of the largest counties in Florida have supplemental regulations for lobbyists and strong Ethics Commissions with investigative and enforcement powers. As Orange County is one of the fastest growing counties in Florida, it too should have supplemental regulations for lobbyists and a strong Ethics Commission.

3. Public Perception Indicates there is a Problem in Orange County.

Some members of the public expressed the view that despite the fact no ethics complaints have been recently filed in Orange County under the Orange County Ethics Code, there are real ethical problems in Orange County which are not adequately addressed by the current code.

Committee Recommendation

After careful consideration of the information presented, Member Chair Evans made a motion that the Committee recommend no amendments to the Orange County Charter be made with respect to the Ethics Concerning Lobbyists Evaluation Topic. The motion was seconded by Member Miller. The Committee voted 4 to 1 in favor of the motion. Member Miller also made a motion that the Committee recommend no amendments to the Orange County Charter be made with respect to the creation of an Ethics Commission separate from the Ethics Advisory Board that currently is provided

for under the Ethics Code. The motion was seconded by Member Steinhauer. The Committee voted 5 to 0 in favor of the motion.

Accordingly, having carefully considered the comments and proposals of the public, the comments and information provided by invited guests, the memorandums and information provided by General Counsel, the reports provided by staff, and otherwise being fully advised in the premises, **the Committee recommends that no amendments to the Orange County Charter be made with respect to ethics concerning lobbyist or with respect to the creation of an Ethics Commission.**



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

January 22, 2020

Committee Recommendation

Rights of the Wekiva River and Econlockhatchee River Committee

Committee Members:

Eugene Stoccardo, Chair
John E. Fauth
Anthony (Tony) Suarez
James R. Auffant
Nikki Mims

Background

On July 10, 2019, the 2020 Charter Review Commission (the "CRC") considered a proposal from Member Eugene Stoccardo in favor of establishing an evaluation topic the Rights of the Wekiva River and Econlockhatchee River. The CRC voted 7 – 5 to establish the evaluation topic and 12 – 0 to create a separate committee to examine the issue and report its findings back to the CRC. Thereafter, on November 6, 2019, the CRC voted 8 - 4 to expand the evaluation topic to include all bodies of water in Orange County, as the basins of the two rivers comprise a huge portion of Orange County.

Summary of Recommendation

Beginning on July 25, 2019, the Rights of the Wekiva River and Econlockhatchee River Committee (the "Committee") held 12 public meetings to hear public input and consider proposals regarding the creation of "Rights of Nature"¹ for the Wekiva and Econlockhatchee Rivers, the violation of which would be actionable by citizens of Orange County and by Orange County itself. On November 6, 2019, with the approval of the CRC, the scope of the Committee's area of inquiry expanded to all bodies of water in Orange County.

Over the course of multiple meetings the Committee considered and analyzed several drafts of proposed amendments provided to the Committee and prepared by representatives of a group called the Community Environmental Legal Defense Fund and other local environmental activists

¹ According to the website, <https://therightsofnature.org>, Rights of Nature "is the recognition and honoring that Nature has rights. It is the recognition that our ecosystems – including trees, oceans, animals, mountains – have rights just as human beings have rights. Rights of Nature is about balancing what is good for human beings against what is good for other species, what is good for the planet as a world. It is the holistic recognition that all life, all ecosystems on our planet are deeply intertwined."

A more detailed explanation of the "Rights of Nature" can be found here: <https://therightsofnature.org/what-is-rights-of-nature/>.

including Chair Stoccardo. The Committee also heard from members of the public as to their respective concerns and suggestions regarding the creation of a charter amendment granting “rights of nature” to the waters of Orange County.

On December 16, 2019, the Committee met to further review proposed Charter amendment language. At that meeting, the General Counsel was directed to assist in drafting the amendment and to attempt to “delete” or “collapse” the scope of the amendment to address some of the legal issues presented by the then current draft.

On January 22, 2020, the Committee met to consider for final vote a draft amendment prepared and submitted by the General Counsel as well as a draft final report. After substantial discussion and careful consideration of the information presented, the Committee voted 4 to 0 to recommend to the full CRC that the General Counsel’s version of the draft amendment to the Orange County Charter be submitted to the voters. The draft amendment attempts to further protect the waters of Orange County from pollution by prohibiting certain conduct by governmental agencies, non-natural persons or corporate entities and by providing a private right of action to every citizen of the County to enforce the prohibitions set forth in the amendment.

Although some members of the public expressed concern that the proposed draft amendment prepared by the General Counsel at the direction of the Committee was not broad enough to provide all of the protections and remedies that should be available to the citizens and Waters of Orange County, the majority of the Committee expressed the opinion that the condensed draft amendment prepared by General Counsel met the intent of the Committee and provided potentially enforceable rights and restrictions versus one that provided broader rights and remedies, but was also more readily subject to legal challenge on the basis of vagueness.

Fundamental to legal enforceability is that a party charged with a violation of law must have been able to clearly identify the prohibited conduct before being so charged. Moreover, where injunctive relief to correct a violation is called for (as opposed to monetary damages alone) the law should set out guideposts for what a violator must do to remedy the situation. For example, if a violator is ordered to “restore” a water body to its pre-violation condition, how would a court or the violator know when that has been achieved? Prior drafts of the amendment contained many terms like “thrive” and “rehydrate” with nebulous and legally problematic definitions. Those terms have been eliminated from the Committee approved final draft. Additionally, the approved final draft adopts existing state law definitions for the critical term, “pollution.” The General Counsel’s memo discussing the vagueness issue is included as an exhibit to this report.

Reasons for Recommendation

1. Orange County Waters Need Additional Protection from Unchecked Growth.

Over the course of the various meetings the Committee was presented with information related to nitrate concentrations, sources and its effects on the Wekiva River and Econlockhatchee River. The Committee was also presented information related to regulatory agencies, cases and studies

regarding toxins and waterways. The general consensus of those who presented to the Committee was that unchecked growth was largely responsible for the degradation of the two rivers and that the State of Florida and the County Commission had not been up to the task of adequately protecting these waters.

2. Federal Law, Florida Law and County Regulations are Insufficient Protection and don't provide an Individual Right to Sue for Enforcement.

The Committee heard from speakers who argued that the current regulatory structure needed to be changed to protect the things that are valued (like air and water) and that creating a private right of action and allowing individual citizens standing to sue would be an important deterrent and better protected these Waters.

3. Protection of Water is Essential to the Health and Welfare of the Citizens of Orange County and its Economy.

Citizens expressed concerns regarding the costs and legal fees associated with pursuing violations or defending implementation of the proposed amendment should be compared with the cost of cleaning up the rivers after the fact. Further information was provided concerning the economic value on tourism and property values of having clean waters throughout the County. Thus, the overall sentiment from the public was that the cost of enforcement or defending the protections afforded by a charter amendment from legal challenges were outweighed by the benefits such an amendment would have on the County, its residents, tourists, and the Waters.

4. "Rights of Nature" is an Emerging Movement which Attempts to Empower Citizens to Protect Natural Resources against Pollution and Degradation by Creating Private Enforcement Rights to Citizens.

A full explanation and discussion of the emerging "Rights of Nature" movement can be found at <https://therightsofnature.org> and is not repeated here. However, fundamental to that movement is the idea that *"we – the people – have the legal authority and responsibility to enforce these rights on behalf of ecosystems. The ecosystem itself can be named as the injured party, with its own legal standing rights, in cases alleging rights violations."* <https://therightsofnature.org/what-is-rights-of-nature/>.

This concept is what the proposed amendment attempts to codify in a legally defensible way.

Arguments Against Recommendation

1. Property Rights not Adequately Protected.

The committee heard concerns expressed by a few members of the public as well as the General Counsel concerning the failure of the proposed amendment to address a number of issues, among them, existing property rights – some of which may already be vested and actionable.

2. Potential Litigation over Preemption, Standing and Property Rights Issues.

There are concerns regarding whether the amendment is (or will be) preempted by state and federal law, whether the broad standing provision will pass legal scrutiny, and whether the law provides adequate protections for existing property rights. Any or all of these issues could lead to costly litigation against its implementation and enforcement, as it has in some other parts of the country where similar initiatives or charter amendments have been attempted. Notably, however, no litigation has occurred in other jurisdictions.

3. Draft Amendment does not go far enough to Protect the Waters of Orange County.

The Chair and some other members of the public have expressed concern that the original version of the amendment and several subsequent versions do more to protect the waters of Orange County than the adopted version. In other words, the amendment recommended by the Committee does not go far enough to remedy the perceived harm. Their argument is that the current system has failed and that a more comprehensive approach is warranted even if it results in substantial litigation costs to the defend its enforceability.

Committee Recommendation

After careful consideration of the information presented, the Committee recommended on a 4-0 vote that the attached draft ballot title, summary and charter amendment be forwarded to the CRC for its consideration.

Accordingly, having carefully considered the comments and proposals of the public, the comments and information provided by invited guests, the memorandums and information provided by General Counsel, and the various other versions of the proposed amendment considered by the Committee, and otherwise being fully advised in the premises, **the Committee recommends that the attached amendment to the Orange County Charter, including Ballot Title and Summary, be made with respect to the Rights of the Wekiva River and Econlockhatchee River.**

Exhibits:

Proposed Amendment, Ballot Title and Summary

All Committee minutes

All legal memoranda provided the Committee by the General Counsel

Letter dated October 9, 2019 from Bobby R. Beagles, Florida Farm Bureau

Letter dated November 15, 2019 from Byron W. Brooks, County Administrator

Ballot Title, Summary and Proposed Amendment – Rights of the Wekiva River and Econlockhatchee River Committee

A. Introduction.

This Charter amendment would provide for definitions, create natural rights for the waters of Orange County, the right to clean water, a private right of action and standing for citizens of Orange County to enforce these rights and injunctive remedies. The proposed amendment prohibits any governmental agency, non-natural person or corporate entity from intentionally or negligently polluting the Wekiva River and Econlockhatchee Rivers, or any other Waters within Orange County.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

PROHIBITING POLLUTION OF THE WEKIVA
RIVER, ECONLOCKHATCHEE RIVER AND
ALL OTHER WATERS OF ORANGE COUNTY

Amending the charter by providing charter protections for the natural rights of the Wekiva and Econlockhatchee Rivers and all other Waters of Orange County by prohibiting pollution, providing a definition of Waters, providing a private right of action and standing for citizens of Orange County to enforce these protections against governmental agencies, non-natural persons or corporate entities that intentionally or negligently pollute the Waters, and providing for severability and exceptions.

Comptroller estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article 7 of the Orange County Charter is amended by adding Section 704.1. (Underline text is added to the charter).

Section 704.1 – Right to Clean Water, Standing and Enforcement.

A. Natural Rights of Orange County Waters and Citizens.

(1) The Wekiva River and Econlockhatchee River, portions of which are within the boundaries of Orange County, and all other Waters within the boundaries of Orange County, have a right to exist, Flow, to be protected against Pollution and to maintain a healthy ecosystem.

(2) All Citizens of Orange County have a right to clean water by having the Waters of Orange County protected against Pollution.

B. Standing, Private Right of Action.

Orange County, municipalities within Orange County, any other public agency within Orange County, and all Citizens of Orange County shall have standing to bring an action in their own name or in the name of the Waters to enforce the provisions of this Section of the Charter. Such actions shall be filed in the Ninth Judicial Circuit Court in and for Orange County, Florida, or, where jurisdiction exists, in the United States District Court, Middle District of Florida, Orlando Division.

C. Violations.

It shall be unlawful and a violation of this Section of the Charter for any governmental agency, non-natural person or corporate entity to intentionally or negligently pollute the Wekiva River and Econlockhatchee Rivers within the boundaries of Orange County, or any other Waters within the boundaries of Orange County. Violations include the Pollution of Waters which exist exclusively on private property owned by the same person(s) or entity, but only where Pollution thereon interferes with or causes Pollution of other Waters within Orange County or unreasonably interferes with or is injurious to the health and welfare of others. This Section of the Charter applies only to violations that occur after the effective date of the amendment as provided in Subsection (H).

D. Remedies.

(1) Remedies for violations of this Section of the Charter shall be injunctive and/or other equitable relief, including but not limited to a writ of mandamus requiring the violator, to the greatest extent reasonably possible, to restore the Waters at issue to the condition as it existed prior to being polluted by the violator. The prevailing party shall be entitled to recover its reasonable costs, including costs of expert witnesses.

(2) Attorneys' fees are not compensable unless the court determines that the action brought under this Section of the Charter is frivolous, vexatious, or is brought solely for the purpose of harassing the defendant. If such a finding is made, the Court may also award reasonable attorneys' fees to the defendant as a sanction.

E. Exception.

The provisions of the Section shall not apply to Constructed Wetlands.

F. Definitions.

(1) "Citizen" or "Citizen of Orange County" means an adult resident of Orange County with legal residence in the United States who has resided within the county for at least one (1) year prior to filing an action under this Section.

(2) “Constructed Wetland” means a non-natural swimming pool and any artificial wetland that uses natural processes involving wetland vegetation, soils, and their associated microbial assemblages to treat domestic wastewater, industrial water, greywater or stormwater runoff, to improve water quality.

(3) “Flow” shall have the same meanings as in FLA. STAT. § 373.042.

(4) “Pollutant” means any substance or contaminant, whether manmade or natural, that is the source or cause of Pollution.

(5) “Pollution” shall have the same meanings as in FLA. STAT. § 376.031(17) and Rule 62-520.200(15), Florida Administrative Code, and means the non-natural presence in the Waters of Orange County of any one or more substances, contaminants, noise, or pollutants in quantities which are or may be potentially harmful or injurious to human health or welfare, animals, fish, plant life, and water quality or which may unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

(6) “Waters” shall have the same meaning as in Rule 62-520.200(25), Florida Administrative Code, and includes, but is not limited to rivers, lakes, streams, springs, impoundments, and all other waters or bodies of water within the boundaries of Orange County, including fresh, brackish, saline, tidal, surface or underground waters. Waters owned entirely by one person or entity are included, but only to the extent the pollution thereon interferes or is injurious to other Waters, property or persons within Orange County.

G. Severability and Conflicts.

The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable and all other provisions shall remain fully enforceable.

H. Effective Date.

This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

D. Financial Analysis and Impact:

Based on information provided by the Comptroller’s Office, the cost of the proposed amendment is approximately_____, which represents_____.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Rights of the Wekiva River and Econlockhatchee River Committee

July 25, 2019
Comptroller's 4th Floor Conference Room
3:45 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
Anthony (Tony) Suarez
Andrew Hand, CRC Attorney
Katie Smith, Assisting CRC as Staff
Jessica Vaupel, Assisting CRC as Staff
Anissa Mercado, Assisting CRC as Staff

Absent Members

John E. Fauth
Nikki Mims

Invited Guests:

Chuck O'Neal
Steve Myers

Public Comment

The following person addressed the committee: Carmen Torres. Ms. Torres submitted information related to Orange County's Comprehensive Plan and lands located within the Wekiva Study Area.

Background Information and Members Open Discussion

The organizational meeting of the Rights of the Wekiva River and Econlockhatchee River Committee was held to identify related issues and to address any member questions. Chair Stoccardo opened the meeting by summarizing the intent of the committee is to better understand the Rights of Nature issue and how it applies to the Wekiva River and Econlockhatchee River. Chair Stoccardo explained that the invited guests would present their proposal and educate the committee on the issue. Chair Stoccardo expects that at future meetings, additional invited guests will address the committee.

Mr. O'Neal presented information related to nitrate concentrations, sources and its effects on the Wekiva River and Econlockhatchee River. Mr. O'Neal explained the issue is not only about water quality but quantity as well. Mr. O'Neal defined the acronym 'WEBOR' as The Wekiva River and the Econlockhatchee River Bill of Rights, and further, defined the rights of the Wekiva River and Econlockhatchee River. The intent of the Charter Amendment would be to enable citizens to bring action on behalf of the river and to challenge the pollution of the river in court.

Member Auffant questioned whether the Charter gives standing to this issue. Member Suarez questioned whether a precedent exists giving an inanimate object rights as if it were an individual and whether the proposal collided with state sovereignty. Discussion ensued.

Mr. Myers addressed the committee and presented information related to regulatory agencies and cited cases and studies related to toxins and waterways. Mr. Myers explained that he and Mr. O'Neal were presenting the proposal to the committee in order to get feedback and work together on the proposal. Member Suarez provided remarks regarding the specifics of the proposal and explained that the objective should be to draft a proposed amendment that would stand scrutiny. Discussion ensued.

Chair Stoccardo provided remarks regarding the committee's agreement of the concept but that the concept needs further work. Chair Stoccardo asked that the invited speakers attend the next committee meeting.

The following person addressed the committee: Melissa Martin.

Future Action Plan

After the discussion, it was suggested that the invited speakers provide examples of cities that have incorporated Rights of Nature Laws and applicable court decisions. Chair Stoccardo requested Members Auffant and Suarez prepare any examples of proposed language prior to the next meeting if possible.

The next scheduled committee meeting will be held on Thursday, August 8, 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

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

Rights of the Wekiva River and Econlockhatchee River Committee

August 21, 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
Jessica Vaupel, Assisting CRC as Staff

Absent Member:

Anthony (Tony) Suarez

Invited Guests:

Steve Meyers
Chuck O'Neal
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 persons addressed the committee:

- Camille Evans
- Trini Quiroz

Committee Chair Comments

Chair Stoccardo reminded attendees to provide comments during the appropriate time at the committee meetings and advised the public that CRC staff and legal counsel direction is provided by the Chair and committee members. Chair Stoccardo thanked the members and the public for their attendance.

Rights of Nature Presentation and Members Open Discussion

Based upon member input from the committee meeting held on August 8, 2019, Mr. O'Neal presented a revised Charter amendment draft which he explained contained more concise language and broader scope. Mr. O'Neal noted the revised Charter amendment now includes

other aquatic ecosystems such as lakes. Mr. O'Neal provided remarks regarding the Clean Water Act and the costs associated with the proposal as well as the costs associated with inaction.

Member Mims raised concerns regarding the safety of tourists and/or residents who may be unaware of contaminated waterways. Member Fauth provided remarks regarding the four key elements defined in the New York State Constitution regarding the Adirondacks: criteria, boundary, government responsibility and standing, and further, offered textual changes to Mr. O'Neal's revised Charter amendment language. Member Auffant provided remarks regarding costs associated with cleaning waterways. Discussion ensued.

Mr. Meyers addressed member comments regarding standing and referenced three Florida court cases concerning standing and single-subject rule in his letter to the committee and legal counsel dated August 20, 2019. Discussion ensued. Member Mims suggested that the committee look to protect the waterways from future pollution as opposed to try and fix issues from past pollution.

Member Auffant questioned whether he needs to submit a new proposal for Split Oaks. Chair Stoccardo and Ms. Smith advised the new topic would need to follow the written submittal process.

Future Action Plan

After the discussion, Chair Stoccardo suggested that the committee use Mr. O'Neal's revised Charter amendment language, redline the document and bring it to the next committee meeting. Ms. Smith recommended that the committee seek the input of the CRC Attorney regarding the topic.

The members agreed the next committee meeting will be to review the language and make the necessary textual changes. Ms. Smith offered that the members may submit their individual textual changes to CRC staff to be included as back up to the next agenda.

The next scheduled committee meeting will be held on Wednesday, September 18, 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

Rights of the Wekiva River and Econlockhatchee River Committee

September 18, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Anthony (Tony) Suarez
Clifford Shepard, CRC Attorney
Jessica Vaupel, Assisting CRC as Staff
Anissa Mercado, Assisting CRC as Staff

Absent Member:

Nikki Mims

Committee Chair Comments

Chair Stoccardo thanked the members and the public for their attendance. Chair Stoccardo advised the purpose of the meeting was to review the proposed Charter amendment language. Chair Stoccardo advised the public that if there was time left at the end of the meeting, the public would be permitted to provide remarks concerning the discussion.

Public Comment

The following person addressed the committee: Trini Quiroz.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion concerning the proposed Charter amendment language and advised the committee members they would be working from Member Fauth's red line version. Member Fauth provided remarks concerning his red line version which focused on past committee discussions as well as used established language from sources such as the Econ Protection Act, Outstanding Florida Waters and the Clean Water Act.

Member Suarez expressed concerns regarding standing and questioned whether any citizen would have the right to bring forward a lawsuit. Member Auffant proposed that any citizen would have the standing to inform the County of its noncompliance with its regulations. Discussion ensued. Citizen Steve Meyers contributed to the discussion.

Member Suarez requested clarification on whether citizens can enforce the rights of waterways as a nonhuman entity. Discussion ensued. Chair Stoccardo requested CRC Attorney Shepard provide the committee members with the standing language from the 3rd DCA case.

Member Suarez asked CRC Attorney Shepard if the Charter is amended to create Rights of Nature, will the Charter be in conflict with the State Constitution. CRC Attorney Shepard advised the State Constitution provides for the adoption of laws in any area not preempted by the Constitution or state legislature. CRC Attorney Shepard provided remarks concerning his findings regarding undefined terms in Member Fauth's red line version. Discussion ensued.

The committee members and CRC Attorney Shepard reviewed Member Fauth's red line version and offered suggested edits. CRC Attorney Shepard provided remarks concerning the "constructed wetlands" language in Member Fauth's red line version of Section 704.1 A4 and how one would determine what the constructed wetlands are in Orange County. Member Fauth advised County GIS supplies the information, and further, Member Fauth advised he will research the proper definitions and references. Discussion ensued.

Future Action Plan

Following the discussion, Chair Stoccardo advised that the purpose of the next committee meeting will be to review the work prepared by Member Fauth and CRC Attorney Shepard. Ms. Vaupel reiterated that CRC Attorney Shepard will provide the committee members with the standing language from the 3rd DCA case.

Public Comment

The following persons addressed the committee:

- Bobby Beagles
- Wayne Rich

Member Suarez requested that Mr. Beagles provide his concerns in writing for the committee members to review.

- Chuck O'Neal

Future Action Plan (Continued)

Member Auffant suggested to CRC Attorney Shepard that the committee include language in the draft Charter amendment stating that a citizen must put in writing, to the County, their complaint prior to filing a lawsuit. CRC Attorney Shepard advised he would look in to the language.

The next scheduled committee meeting will be held on Thursday, October 3, 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

Rights of the Wekiva River and Econlockhatchee River Committee

October 3, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Nikki Mims
Anthony (Tony) Suarez
Clifford Shepard, CRC Attorney
Jessica Vaupel, Assisting CRC as Staff
Anissa Mercado, Assisting CRC as Staff

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further review proposed Charter amendment language.

Public Comment

No members of the public addressed the committee during public comment.

Committee Chair Comments

Chair Stoccardo thanked the members and the public for their attendance. Chair Stoccardo advised the purpose of the meeting was to review the proposed Charter amendment language. Chair Stoccardo advised the public that if there was time left at the end of the meeting, the public would be permitted to provide remarks concerning the discussion.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion concerning the proposed Charter amendment language and advised the committee members they would be working from Member Fauth's and Counsel's version. Legal Counsel provided remarks concerning the revised draft which focused on past committee discussions as well as definitions pulled from sources such as statutes, reports, and other authoritative sources.

The committee members and CRC Attorney Shepard reviewed the draft and offered suggested edits. Discussion ensued.

CRC Attorney Shepard provided the committee members with a memorandum containing standing language from the 3rd DCA case and from the Florida Wildlife Federation case. CRC Attorney Shepard clarified that the language used in the draft is from the Supreme Court case rather than the 3rd DCA case. Discussion ensued.

Member Auffant addressed the cost of litigation. CRC Attorney Shepard advised the committee that he has arbitration language which was not included in the current draft. Discussion ensued.

Public Comment

The following persons addressed the committee:

- Bobby Beagles
- Mike Dennis
- Chuck O'Neal

Future Action Plan

CRC Attorney Shepard encouraged the members to review the definitions provided and to bring any suggestions to the next committee meeting.

The next scheduled committee meeting will be held on Thursday, October 17, 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

Rights of the Wekiva River and Econlockhatchee River Committee

October 17, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Anthony (Tony) Suarez
Patrick Brackins, CRC Attorney
Anissa Mercado, Assisting CRC as Staff

Absent Member

Nikki Mims

Invited Guest:

Chuck O'Neal

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further review proposed Charter amendment language.

Public Comment

No members of the public addressed the committee during public comment.

Committee Chair Comments

Chair Stoccardo thanked members for working on the committee's proposed Charter amendment language revisions. Chair Stoccardo advised the public that if there was time left at the end of the meeting, the public would be permitted to provide remarks concerning the discussion.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion concerning the proposed Charter amendment language and advised the committee members they would be working from CRC Attorney Shepard's version. Chair Stoccardo suggested the next version of the draft include a draft number.

Members provided remarks concerning their findings regarding undefined terms and language. Discussion ensued. Mr. O'Neal contributed to the discussion.

Member Auffant addressed the language he asked CRC Attorney Shepard to include in the draft Charter amendment regarding injunctive relief brought by a citizen. Discussion ensued. Chair Stoccardo advised the members that the section pertaining to the new language would be discussed in detail at the next committee meeting.

Member Fauth addressed the Orange County Farm Bureau letter which was forwarded to the members. Discussion ensued.

Public Comment

The following person addressed the committee: Wayne Rich.

Future Action Plan

Following the discussion, Chair Stoccardo reiterated that Member Fauth would define the terms referenced during the committee's meeting and the CRC Attorney is charged with addressing the concerns the Orange County Farm Bureau has with the draft Charter amendment.

The next scheduled committee meeting will be held on Thursday, November 7, 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

Rights of the Wekiva River and Econlockhatchee River Committee

November 7, 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
Jennifer Lara-Klimetz, Assisting CRC as Staff

Absent Member

Anthony (Tony) Suarez

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further review proposed Charter amendment language.

Public Comment

The following persons addressed the committee:

- Chuck O'Neal
- Steve Meyers
- Nicole Wilson

Committee Chair Comments

Chair Stoccardo thanked members for working on the committee's proposed Charter amendment language revisions.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion concerning the proposed Charter amendment language. Members provided remarks regarding the 'Definitions' and 'Rights of People and Orange County Waters' in the proposed Charter amendment. Mr. Meyers and Mr. O'Neal contributed to the discussion.

Member Mims suggested removing the definition for 'Guardian' from the amendment language. The committee members agreed. Discussion ensued.

Member Auffant addressed comments by members of the public regarding suggested changes to the Charter amendment language. Discussion ensued.

Chair Stoccardo asked Member Auffant and Mr. Meyers to work on the language regarding the County's enforcement section.

Member Mims encouraged committee members to focus on the committee's purpose when drafting the amendment language. Chair Stoccardo agreed with Member Mims and requested that all the committee members regroup to define the committee's purpose at the next meeting. Discussion ensued.

Chair Stoccardo discussed the timeline for the committee's final report. Discussion ensued.

Public Comment

The following person addressed the committee: Bobby Beagles.

Future Action Plan

Following the discussion, Chair Stoccardo reiterated that Member Fauth would continue to work on the definitions discussed during the meeting.

The next scheduled committee meeting will be held on Monday, November 18, 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

Rights of the Wekiva River and Econlockhatchee River Committee

November 18, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Clifford Shepard, CRC Attorney
Katie Smith, Assisting CRC as Staff
Jennifer Lara-Klimetz, Assisting CRC as Staff

Absent Members:

Nikki Mims
Anthony (Tony) Suarez

Other Present:

Kate Latorre, Assistant County Attorney

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further review proposed Charter amendment language.

Public Comment

The following persons addressed the committee:

- Chuck O'Neal
- Kathleen Fitzgerald

Members Open Discussion

Chair Stoccardo opened the floor for member discussion concerning the proposed Charter amendment language. Member Fauth requested that the committee first look at the definitions included in the language. Committee members and CRC Attorney Shepard offered suggested edits. Discussion ensued. Committee members agreed Member Fauth and CRC Attorney Shepard would review the existing proposed definitions prior to the next committee meeting.

Chair Stoccardo inquired as to whether the committee should contact an environmental attorney. Deputy Clerk Smith questioned whether it would be appropriate to invite the County's subject matter experts to address the committee. Assistant County Attorney Latorre advised that the County Attorney's Office has several environmental attorneys, and County staff has been

monitoring the work of the committee. Discussion ensued. CRC Attorney Shepard contributed to the discussion. Deputy Clerk Smith and Assistant County Attorney Latorre will work together on scheduling a Sunshine meeting between committee members, CRC General Counsel and County staff.

Committee members and CRC Attorney Shepard discussed the remaining sections of the proposed Charter amendment language. Discussion ensued. CRC Attorney Shepard contributed to the discussion. Committee members agreed Member Fauth and CRC Attorney Shepard will work on language related to a provision advising an individual or entity what is unlawful.

Public Comment

The following person addressed the committee: Chuck O'Neal.

Future Action Plan

Member Auffant requested that the meeting with County staff be scheduled first, prior to the next committee meeting. The committee members agreed that Mondays and Thursdays were acceptable meeting days, with the exception of Thursday, December 12, 2019.

Deputy Clerk Smith reminded members that the committee's deadline to staff for their final report and recommendations is January 24, 2019. The committee is scheduled to present their first reading to the full CRC on February 5, 2020.

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/>.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Rights of the Wekiva River and Econlockhatchee River Committee

December 16, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Nikki Mims
Anthony (Tony) Suarez
Patrick Brackins, CRC General Counsel
Jennifer Lara-Klimetz, Assisting CRC as Staff

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further review proposed Charter amendment language.

Public Comment

The following person addressed the committee: Chuck O'Neal.

Chair Comments

Chair Stoccardo provided remarks regarding his submittal of a new draft amendment.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion. Member Mims inquired as to whether the committee was going to review the whole draft or only certain subsections of the new draft. Discussion ensued.

Member Auffant voiced his concerns regarding the new draft amendment and requested the committee enlist the help of General Counsel in drafting the amendment. Discussion ensued. General Counsel Brackins contributed to the discussion.

Member Auffant asked General Counsel Brackins to provide a legal opinion regarding the new draft amendment and provide additional amendment language as necessary. Member Mims contributed to the discussion and agreed to have General Counsel review and opine on the new draft amendment. Discussion ensued.

General Counsel Brackins requested committee direction regarding the new draft amendment. Discussion ensued. Member Auffant requested General Counsel Brackins provide an opinion regarding legal standing and preemption issues. Member Fauth contributed to the discussion.

Member Auffant requested injunctive relief be added to the new draft amendment. The committee members agreed. Discussion ensued.

General Counsel Brackins stated that the deadline for the final report is on January 24, 2020. Discussion ensued. Member Suarez contributed to the discussion.

Following the discussion, the members agreed to set the next committee meeting for Monday, January 6, 2020 at 2:00 p.m.

Member Mims asked General Counsel Brackins if he thought any of the issues within the new draft amendment should be deleted or collapsed. Discussion ensued.

The committee members discussed the definition for pollution of the waters.

Public Comment

The following persons addressed the committee:

Chuck O'Neal
Bob Olsen

Future Action Plan

The next scheduled committee meeting will be held on Monday, January 6, 2020 at 2:00 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

Rights of the Wekiva River and Econlockhatchee River Committee

January 6, 2020
Comptroller's 4th Floor Conference Room
2:00 p.m.

Committee Members:

Eugene Stoccardo, Chair
James R. Auffant
John E. Fauth
Nikki Mims
Anthony (Tony) Suarez
Clifford Shepard, CRC General Counsel
Jennifer Lara-Klimetz, Assisting CRC as Staff

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to further review proposed Charter amendment language.

Public Comment

The following persons addressed the committee:

Chuck O'Neal
Nicole Wilson

The following material was presented to the committee during public comment: Exhibit 1, Nicole Wilson.

Committee Chair Comments

Chair Stoccardo provided remarks regarding his submittal of new Draft Charter Amendment v 1.10.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion. The committee members provided remarks regarding the Draft Charter Amendment v 1.9 and v 1.10 as presented during the meeting. General Counsel Shepard clarified that the Draft Charter Amendment v 1.9 was provided by general counsel and Draft Charter Amendment v 1.10 was provided by Chair Stoccardo. Discussion ensued. General Counsel Shepard contributed to the discussion.

Public Comment

The following person addressed the committee: Chuck O'Neal.

CRC General Counsel Update

General Counsel Shepard provided an overview of Draft Charter Amendment v 1.9 and addressed Member Auffant's question regarding permits. Discussion ensued.

General Counsel Shepard addressed the comment Mr. O'Neal made regarding the Draft Charter Amendment v 1.9 Section F. Definitions (1) "Citizen" or "Citizen of Orange County."

Committee Vote

AYE (voice vote): Chair Stoccardo

NAY (voice vote): Members Auffant, Fauth, Mims and Suarez

Action: The committee moved to proceed with the Draft Charter Amendment v 1.10. The motion failed on a 1-4 vote.

AYE (voice vote): Members Auffant, Fauth, Mims and Suarez

NAY (voice vote): Chair Stoccardo

Action: The committee moved to proceed with the Draft Charter Amendment v 1.9. The motion passed on a 4-1 vote.

General Counsel Shepard will prepare the draft ballot title and summary prior to the next meeting.

Future Action Plan

The next scheduled committee meeting will be held on Wednesday, January 22, 2020 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

Rights of the Wekiva River and Econlockhatchee River Committee

January 22, 2020
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 General Counsel
Jennifer Lara-Klimetz, Assisting CRC as Staff

Absent Member:

Anthony (Tony) Suarez

The Rights of the Wekiva River and Econlockhatchee River Committee meeting was held to vote on a recommendation to the full CRC and to discuss the subcommittee final report.

Public Comment

The following persons addressed the committee:

Nicole Wilson
Chuck O'Neal
Steve Meyers
Samuel Vilchez Santiago
Russell Drake

CRC General Counsel Update

General Counsel Shepard provided an overview of the Final Report, Ballot Title, Summary and Charter Amendment.

Members Open Discussion

Chair Stoccardo opened the floor for member discussion. The committee members provided remarks and changes to the Final Report, Ballot Title, Summary and Charter Amendment. Discussion ensued. General Counsel Shepard contributed to the discussion.

Committee Vote:

Motion/Second: Members Auffant / Fauth

AYE (voice vote): Chair Stoccardo; Members Auffant, Fauth and Mims

Absent: Member Suarez

Action: The committee moved to approve the amended Final Report, Ballot Title, Summary and Charter Amendment.

Public Comment

The following persons addressed the committee:

Chuck O'Neal

Nicole Wilson

Future Action Plan

General Counsel Shepard will make the approved changes to the Final Report, Ballot Title, Summary and Charter Amendment.

Clifford Shepard

From: Jacob Schumer
Sent: Wednesday, October 02, 2019 1:34 PM
To: Clifford Shepard
Subject: RE: Standing Language

Here's the statute language from **Florida Wildlife Federation**:

(a) The Department of Legal Affairs, any political subdivision or municipality of the state, or a citizen of the state may maintain an action for injunctive relief against:

1. Any governmental agency or authority charged by law with the duty of enforcing laws, rules, and regulations for the protection of the air, water, and other natural resources of the state to compel such governmental authority to enforce such laws, rules, and regulations;
2. Any person, natural or corporate, or governmental agency or authority to enjoin such persons, agencies, or authorities from violating any laws, rules, or regulations for the protection of the air, water, and other natural resources of the state.

Here's the charter language from **Herbits** (note the actual language from the Charter has since changed):

(A).2. *Truth in Government*. No County or municipal official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.

3. *Public Records*. All audits, reports, minutes, documents and other public records of the County and the municipalities and their boards, agencies, departments and authorities shall be open for inspection at reasonable times and places convenient to the public.

(C). *Remedies for Violations*. A citizen may bring a cause of action alleging a violation of this Article filed in the Dade County Circuit Court pursuant to its general equity jurisdiction and if successful, shall be entitled to recover costs as fixed by the Court.

(D). *Construction*. All provisions of this Article shall be construed to be supplementary to and not in conflict with the general laws of Florida.

JACOB SCHUMER | ATTORNEY AT LAW



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Memo

To: Rights of the Wekiva River and Econlockhatchee Rivers Subcommittee

From: Patrick Brackins

CC: Katie Smith and Cliff Shepard

Re: Vagueness – Generally and as Raised by The Orange County Farm Bureau

Date: November 7, 2019

At the October 17, 2019 Rights of the Wekiva and Econlockhatchee Rivers Subcommittee meeting, I was tasked with reviewing concerns raised by the Orange County Farm Bureau (the “Bureau”) in its October 9, 2019 correspondence to Mayor Demings and the Board.¹ The Bureau raised concerns similar to those raised in the Lake Erie Bill of Rights litigation now proceeding in the Northern District of Ohio, *Drewes Farm Partnership v. City of Toledo*, No. 3:19-cv-434 (N.D. OH. Feb. 27, 2019), such as vagueness, equal protection, standing, and state and federal preemption. Since it is not possible to address all potential causes of action or claims that may arise from the provisions of a draft charter amendment which is still in the initial drafting stage, this memorandum addresses vagueness standards generally and as applied to the current draft at a high level. It is not intended to address all potential vagueness issues that may be raised, but highlights threshold areas that may be of concern to the subcommittee and the Commission. Equal protection, standing, and state and federal preemption issues may be addressed in separate memorandums based on direction from the subcommittee at its next meeting on November 7, 2019.

¹ The October 9, 2019 correspondence is attached hereto as Exhibit A.

I. Vagueness – Basic Principles.

The United States Supreme Court has long recognized that vague laws are void because they violate substantive due process rights.² In *Hoffman Estates v. Flipside, Hoffman Estates*, 455 U.S. 489, 498 (1982), the Court succinctly held:

Vague laws offend several important values. First, because we assume that man is free to steer between lawful and unlawful conduct, we insist that laws give the person of ordinary intelligence a reasonable opportunity to know what is prohibited, so that he may act accordingly. Vague laws may trap the innocent by not providing fair warning. Second, if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them. A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory applications.

Id. (emphasis added). Thus, laws must be drafted in such a manner that a “person of ordinary intelligence” can reasonably know what he, she or it shall not do, and laws must also provide “explicit standards” explaining how an enforcement agency or court shall apply them. If a law or ordinance fails either of those standards, then it is void for vagueness.

Similarly, the Fifth District Court of Appeal, in reviewing a mandatory injunction issued pursuant to a Putnam County zoning ordinance, held:

Terms used in an ordinance must make reference to determinable criteria and provide context in which a court can determine [whether] a particular regulation is reasonable. No legislative body (County Commission) can delegate to an administrator arbitrary discretion to determine the meaning of a zoning code. If such standards or criteria do not exist, the zoning provision is a nullity.

² Courts in Florida analyze state substantive due process standards in the same manner as federal courts applying federal substantive due process standards.

Henry v. Bd of County Comm'rs, 509 So. 2d 1221, 1222 (Fla. 5th DCA 1987). See also *Everett v. City of Tallahassee*, 840 F. Supp. 1528, 1546 (N.D. Fla. 1992) (applying Florida law and holding “[a]n ordinance which lacks sufficient standards against which the zoning authority’s actions may be measured vests unreviewable discretion in the zoning authority and is void for vagueness.”).

II. Application.

As a threshold matter, the text of the October 2, 2019 draft is missing a critical element. It provides: definitions; a statement of rights; a description of who may bring suit to enforce the rights created therein; an obligation on the County to protect and defend the charter provision; a prohibition on the County issuing or entering into any permit, license, contract, or other agreement with anyone who violates the charter provision; and a pre-suit notice procedure. However, the current draft lacks a clause stating with particularity what conduct constitutes a violation of the charter. While it defines pollutant, pollute, and pollution, there is no provision telling a person or entity precisely what it shall not do. For example, the draft lacks the following: “It shall be unlawful and a violation of this provision for any person or entity to knowingly or intentionally (insert what conduct is prohibited here with particularity). Any person or entity who knowingly or intentionally violates this provision may be subject to (insert penalties here with particularity).” The precise language in the above example does not need to be utilized, but it is recommended that the subcommittee consider adding language explaining exactly what is prohibited and what the penalty or penalties for engaging in such conduct shall be.

Explicit standards for determining whether a violation has occurred and explicit standards governing available remedies should be considered. For example, as we discussed at the past meeting, if it is the intent of the subcommittee to permit courts to enter mandatory injunctions requiring violators to “Restore” the “Waters,” as that term is defined in the current draft, then not only should the charter provision expressly include “Restore” as a remedy for violations, but there should be detailed and precise instructions explaining to a court and an alleged violator exactly what the remedy of “Restore” means and standards for determining whether it is achievable or has been achieved.

If a court orders Company A to “Restore” a body of water, Company A must know how to fulfill that order and a court must be able to explain how to do so based on the terms of the charter provision. Likewise, if a plaintiff wants to challenge whether Company A has, in fact, complied with the Court’s order, there must be an explicit standard answering the question. If the standards are not set forth in the charter

provision and a Court, County, plaintiff, defendant, or some other body or person is able to set the standard arbitrarily, then there is a substantial risk the charter provision may be subject to a successful vagueness challenge.

While this memorandum addresses threshold vagueness issues, if the subcommittee would like further analysis with respect to any particular section, term or condition of the draft charter provision, we will promptly provide it.

The Voice of Agriculture
ORANGE COUNTY FARM BUREAU

Post Office Box 1329 • Christmas, FL 32709 • Phone: (407) 637-7727 • E-mail: Kris.Stell@ffbic.com

October 9, 2019

OFFICERS

BILL LENNON, JR.
PRESIDENT/CATTLE/CITRUS

AMY STOTLER
PRESIDENT ELECT/CATTLE

JOHN MADISON
VICE PRESIDENT/LANDSCAPE

MIKE PATTERSON
SEC./TREASURER/CATTLE

BOARD SECRETARY

KRIS STELL

DIRECTORS

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RYAN BECK
CITRUS

MARK BYRD
FOLIAGE

CHUCK MACK
CATTLE

KATHREIN MARKLE
FLORICULTURE

DAVID WARD
CATTLE

SCOTT WEST
BLUEBERRIES

EXECUTIVE DIRECTOR

BOBBY R. BEAGLES

ADVISORS

DANNY GARNER

ELIZABETH R. JOHNSON

JOSH MCGRUFF
INSURANCE AGENCY
MANAGER

Dear Mayor Demings and Commissioners:

On behalf of Orange County Farm Bureau and approximately 5000 members, we ask that you reject *The Right to Clean Water* draft charter amendment. The proposed wording is fraught with vaguely worded phrases that are open to legal interpretation that will undoubtedly become a legal quagmire for Orange County.

The surface and ground waters located within Orange County are under the protection of the United States Clean Water Act (33 U.S.C. §1251 et seq.) passed in 1972. Under the federal directive, the Florida Department of Environmental Protection monitors surface and ground water quality, sets their restoration goals and oversees restoration activities. They accomplish this goal by identifying, verifying and prioritizing pollution problems and require stakeholders to develop strategies to address and resolve the problems; and implementing those strategies with local stakeholders. Adding another layer of legal framework at the local level will not delay the restoration of impaired water bodies but it will create a litigious environment where resources will be spent in court instead of towards furthering restoration priorities.

The wetlands within Orange County are under the protection of the United States Army Corps of Engineers, the Florida Department of Environmental Protection, two waters management districts, and the Orange County Environmental Protection Division. These agencies are charged with managing the natural resources under their purview. Adding this ambiguous language to the charter adds another layer of oversight to an already robust regulatory program within Orange County. The draft language is impossible to scientifically prove or disprove and it would make it impossible for anyone wanting to do any type of development within the County.

Using Florida's Agricultural Lands and Practices Act (§163 F.S.), amended in 2013 to prohibit local governments from adopting regulations and rules already regulated by any other government entity; if the Board of County Commissioners still wishes to approve the draft charter amendment, we request at a minimum, that bona fide agricultural practices be exempted by ordinance from the provisions of the amendment.

Sincerely,
Bobby R. Beagles, Exec. Dir.
Orange County Farm Bureau



November 15, 2019

Mr. Bobby R. Beagles
Executive Director
Orange County Farm Bureau
Post Office Box 1329
Christmas, FL 32709

Dear Mr. Beagles:

On behalf of Mayor Demings, I am responding to your October 9, 2019 letter regarding the Charter Review Commission's draft proposal to amend the County Charter to address the "rights of water." Thank you for communicating the concerns of the Orange County Farm Bureau.

At this time, the Board of County Commissioners (BCC) and County staff are monitoring the work of the Charter Review Commission ("CRC") committee working on the "rights of water" proposal and, as explained below, also maintain certain apprehensions regarding the proposed amendment. However, given the independent authority granted to the Charter Review Commission by the County Charter, the Mayor and BCC are not in a position to reject or approve the draft Charter amendment.

In Orange County, the CRC is separate and independent of the BCC. Proposed Charter amendments are not subject to the approval of the BCC prior to being slated on the ballot for a vote by the electorate. After the BCC appoints the members of the CRC, it has no further authority over the CRC to reject or approve proposed charter amendments. It is the CRC that is solely responsible for placing CRC Charter amendments on the general election ballot.

It is my understanding that the "rights of water" proposal is still under revision by the CRC committee. Once the Charter amendment language is finalized in committee, the proposal will be scheduled for consideration by the general CRC membership. A majority of the CRC members present will be required to approve the proposed Charter amendment before it can be included on the general election ballot.

As previously mentioned, County staff is also concerned about the committee's proposal. It is our intention to communicate those concerns to the committee and to the full CRC prior to the CRC voting on the proposal. Primarily, the County is uncomfortable with the proposed Charter amendment adding an additional layer of regulations to existing federal, state, and local laws. Such additional regulation may conflict with the regulatory and permitting programs of other agencies. These kinds of legal conflicts could very well increase the number of projects resulting in litigation.

Byron W. Brooks, A.I.C.P., County Administrator
201 South Rosalind Avenue • Reply To: Post Office Box 1393 • Orlando, Florida 32802-1393
Telephone: 407-836-7370 • Fax: 407-836-7399
Byron.Brooks@ocfl.net

Mr. Bobby R. Beagles
November 15, 2019
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Further, while I am unable to list every troubling facet of the proposal in this letter, the following aspects of the proposal are also problematic for the County:

- The proposed amendment contains numerous subjective or undefined standards of measuring water pollution.
- The proposal does not clearly identify what conduct is prohibited or what the County's enforcement responsibilities would be.
- The County could be subjected to continuous litigation by citizens seeking to rectify conduct created by any number of private entities.
- The definition of "clean water" uses Florida's Numeric Nutrient Criteria as a benchmark, which has not been adopted by the County in its water quality ordinances.
- The proposal does not account for environmental changes occurring naturally over time.
- The restoration of certain waters to historical conditions, as required by the proposal, could result in changes in water level, flows, and quality that could adversely impact urbanized areas, agricultural areas, and natural ecosystems.

The County will continue to monitor the work of the committee and will provide additional, detailed feedback to the CRC as this issue progresses. I appreciate your participation in the Charter Review process.

Sincerely



Byron W. Brooks

BWB/kl

cc: Mayor Jerry L. Demings
Commissioner Betsy VanderLey, District 1
Commissioner Christine Moore, District 2
Commissioner Mayra Uribe, District 3
Commissioner Maribel Gomez Cordero, District 4
Commissioner Emily Bonilla, District 5
Commissioner Victoria P. Siplin, District 6
Jeffrey Newton, County Attorney
Kate Latorre, Assistant County Attorney
Roseann Harrington, Chief of Staff
Chris Testerman, Deputy County Administrator
Jon Weiss, Director, Planning, Environmental, and Development Services
Ray Hanson, Director, Utilities
David Jones, Manager, Environmental Protection
Camille Evans, Esquire, CRC Chairperson

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Drewes Farms Partnership,

Case No. 3:19 CV 434

Plaintiff,

ORDER INVALIDATING
LAKE ERIE BILL OF RIGHTS

-and-

JUDGE JACK ZOUHARY

State of Ohio,

Intervenor,

-vs-

City of Toledo,

Defendant.

INTRODUCTION

On a Saturday morning in August 2014, City of Toledo officials issued a warning to residents: Don't drink the water. The City water supply contained unsafe levels of a toxic substance, and pollution in Lake Erie was the culprit.¹ The water remained undrinkable for nearly three days.²

In response, Toledo residents began a multi-year campaign to add a Lake Erie Bill of Rights ("LEBOR") to the City Charter (Doc. 10-3 at ¶ 6). They collected over ten thousand petition signatures, triggering a February 2019 special election under Article XVIII, Section 9 of the Ohio Constitution (Doc. 41 at 37–38). LEBOR won about sixty percent of the 16,215 votes cast, so it became part of the Charter the next month (*id.* at 38).

¹ Emma G. Fitzsimmons, *Tap Water Ban for Toledo Residents*, N.Y. TIMES (Aug. 3, 2014), <https://www.nytimes.com/2014/08/04/us/toledo-faces-second-day-of-water-ban.html>.

² Michael Wines, *Behind Toledo's Water Crisis, a Long-Troubled Lake Erie*, N.Y. TIMES (Aug. 4, 2014), <https://www.nytimes.com/2014/08/04/us/toledo-faces-second-day-of-water-ban.html>.

Plaintiff Drewes Farms Partnership, which grows crops in four counties near Toledo, initiated this lawsuit the day after the election (Doc. 1 at ¶¶ 18, 21). Intervenor State of Ohio joined a few months later (Doc. 21). Both ask this Court to declare LEBOR invalid under Federal Civil Rule 12(c) and 28 U.S.C. § 2201 (Docs. 34, 35, 52, 53, 59). Defendant City of Toledo opposes (Docs. 47, 48, 56, 60). The City contends neither Drewes Farms nor the State has a right to challenge LEBOR, and it further contends LEBOR is valid. With agreement from both sides, this Court issued a Preliminary Injunction last year (Doc. 9). The Injunction prevents enforcement of LEBOR until this lawsuit ends. This Court heard oral argument at a recent Hearing (Doc. 61) and received an amicus brief from Toledoans for Safe Water, Inc. (Doc. 51).

LAKE ERIE BILL OF RIGHTS

LEBOR declares that “Lake Erie, and the Lake Erie watershed, possess the right to exist, flourish, and naturally evolve.” TOLEDO MUN. CODE ch. XVII, § 254(a). Additionally, the Charter amendment grants Toledo residents “the right to a clean and healthy environment.” *Id.* § 254(b). Under LEBOR, Toledoans also “possess both a collective and individual right to self-government in their local community, a right to a system of government that embodies that right, and the right to a system of government that protects and secures their human, civil, and collective rights.” *Id.* § 254(c). LEBOR contains no definitions or other provisions that would clarify the meaning of these rights, although it does indicate that the protected Lake Erie watershed includes “natural water features, communities of organisms, soil [sic] as well as terrestrial and aquatic sub ecosystems.” *Id.* § 254(a).

“The City of Toledo, or any resident of the City,” may sue to enforce the three rights enumerated in LEBOR. *Id.* § 256(b). Businesses and governments that infringe the rights “shall be guilty of an offense and, upon conviction thereof, shall be sentenced to pay the maximum fine allowable under State law for that violation.” *Id.* § 256(a). LEBOR applies to businesses and

governments “in or from any jurisdiction,” *id.* § 256(c), and “implementing legislation shall not be required,” *id.* § 254(d). State laws, regulations, permits, and licenses are declared invalid in Toledo to the extent they conflict with LEBOR. *Id.* §§ 255(b), 257(b). LEBOR also purports to supersede federal permits and licenses. *Id.* § 255(b). The full Charter amendment is attached to this Order.

STANDING

Before analyzing LEBOR, this Court must determine whether Drewes Farms or the State has a right to bring this lawsuit. The relevant doctrine is called standing. Litigants have standing to sue only if they “(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision.” *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540, 1547 (2016). Standing ensures that federal courts do not issue advisory opinions, which the United States Constitution forbids. *See Sierra Club v. Morton*, 405 U.S. 727, 732 n.3 (1972). Federal courts adjudicate live disputes only. *See FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 237 (1990). This lawsuit may proceed if either Drewes Farms or the State has standing, even if one or the other does not. *See Janus v. AFSCME, Council 31*, 851 F.3d 746, 748 (7th Cir. 2017) (citing *Vill. of Oakwood v. State Bank & Trust Co.*, 481 F.3d 364, 367 (6th Cir. 2007)), *rev’d on other grounds by* 138 S. Ct. 2448, 2486 (2018).

The central dispute here concerns the injury-in-fact requirement. An injury in fact is an injury that is “concrete and particularized[,] and actual or imminent, not conjectural or hypothetical.” *Susan B. Anthony List v. Driehaus*, 573 U.S. 149, 158 (2014) (citation and internal quotation marks omitted). “An allegation of future injury may suffice if the threatened injury is certainly impending, or there is a substantial risk that the harm will occur.” *Id.* (citation and internal quotation marks omitted). Likely targets of a law need not wait for prosecution to challenge its validity. *See id.*

Drewes Farms and the State satisfy the injury-in-fact requirement. LEBOR has already injured the State: at least on paper, State laws, regulations, licenses, and permits are invalid in Toledo to the extent they conflict with LEBOR. *See Maine v. Taylor*, 477 U.S. 131, 136–37 (1986). The State could also be sued under LEBOR for failing to sufficiently protect Lake Erie or for violating LEBOR’s guarantee of local self-government. Drewes Farms falls within LEBOR’s crosshairs, too. The business spreads fertilizer on fields in the Lake Erie watershed (Doc. 1 at ¶¶ 18, 24, 51), arguably infringing the watershed’s right to “exist, flourish, and naturally evolve” and the right of Toledoans to a “clean and healthy environment.” TOLEDO MUN. CODE ch. XVII, §§ 254(a), (b). The risk of suit under LEBOR is particularly high because enforcement does not depend on government prosecutors -- Toledo residents may file suit themselves. *See Driehaus*, 573 U.S. at 164.

Drewes Farms and the State also satisfy the other two standing requirements: traceability and redressability. Their LEBOR-related injuries are traceable to the City -- LEBOR is part of the City Charter. True, LEBOR was enacted by voters rather than legislators, but the City is a proper defendant in this lawsuit nevertheless. *See, e.g., Romer v. Evans*, 517 U.S. 620, 623 (1996); *Washington v. Seattle Sch. Dist. No. 1*, 458 U.S. 457, 462–64 (1982); *Equal. Found. of Greater Cincinnati v. City of Cincinnati*, 128 F.3d 289, 291 (6th Cir. 1997). Additionally, a court order invalidating LEBOR would redress the alleged injuries, meaning Drewes Farms and the State satisfy the third standing requirement. Having demonstrated their right to bring this lawsuit, both litigants are entitled to an adjudication of their claims. This Court therefore analyzes LEBOR next.

DUE PROCESS

The Fourteenth Amendment to the United States Constitution protects the right to due process. An “essential” element of due process is clarity of the laws. *Roberts v. United States Jaycees*, 468 U.S. 609, 629 (1984) (citation omitted). If a law is so vague that “persons of common intelligence

must necessarily guess at its meaning,” it is unconstitutional. *Id.* (brackets and citation omitted). Heightened scrutiny applies to laws that impose criminal penalties, burden the exercise of constitutional rights, or apply a strict-liability standard. *Vill. of Hoffman Estates v. Flipside, Hoffman Estates*, 455 U.S. 489, 498–99 (1982). Vague laws are unconstitutional for at least two reasons: they “may trap the innocent by not providing fair warning,” and they invite arbitrary enforcement by prosecutors, judges, and juries. *Grayned v. City of Rockford*, 408 U.S. 104, 108–09 (1972). The clarity requirement also “ensures that [governmental] power will be exercised only on behalf of policies reflecting an authoritative choice among competing social values.” *Roberts*, 468 U.S. at 629.

Federal courts have invalidated municipal legislation on vagueness grounds. For example, a Cincinnati ordinance criminalized gathering on sidewalks “in a manner annoying to persons passing by.” *Coates v. City of Cincinnati*, 402 U.S. 611, 611 (1971). The Supreme Court struck it down because “[c]onduct that annoys some people does not annoy others.” *Id.* at 614. A Detroit-area township regulated the use of machines that keep water near boats and docks free from winter ice. *Belle Maer Harbor v. Charter Twp. of Harrison*, 170 F.3d 553, 555 (6th Cir. 1999). These ice-free areas could not exceed a “reasonable radius.” *Id.* The Sixth Circuit found the ordinance void for vagueness, in part due to the “failure to include a definition of ‘reasonable.’” *Id.* at 558–59. A Columbus gun-safety ordinance met the same fate. The ordinance banned forty-six specific guns, as well as “other models by the same manufacturer . . . that have *slight* modifications or enhancements.” *Springfield Armory, Inc. v. City of Columbus*, 29 F.3d 250, 251 (6th Cir. 1994) (emphasis added) (brackets omitted). The Sixth Circuit saw “no reasoned basis” for determining what changes qualify as “slight,” so it invalidated the ordinance. *Id.* at 253–54.

LEBOR’s environmental rights are even less clear than the provisions struck down in those cases. What conduct infringes the right of Lake Erie and its watershed to “exist, flourish, and

naturally evolve”? TOLEDO MUN. CODE ch. XVII, § 254(a). How would a prosecutor, judge, or jury decide? LEBOR offers no guidance. Similar uncertainty shrouds the right of Toledoans to a “clean and healthy environment.” *Id.* § 254(b). The line between clean and unclean, and between healthy and unhealthy, depends on who you ask. Because of this vagueness, Drewes Farms reasonably fears that spreading even small amounts of fertilizer violates LEBOR. Countless other activities might run afoul of LEBOR’s amorphous environmental rights: catching fish, dredging a riverbed, removing invasive species, driving a gas-fueled vehicle, pulling up weeds, planting corn, irrigating a field -- and the list goes on. LEBOR’s authors failed to make hard choices regarding the appropriate balance between environmental protection and economic activity. Instead, they employed language that sounds powerful but has no practical meaning. Under even the most forgiving standard, the environmental rights identified in LEBOR are void for vagueness.

The right of Toledoans to “self-government in their local community” is impermissibly vague as well. *Id.* § 254(c). At first blush, this provision seems to reiterate Article XVIII, Section 3 of the Ohio Constitution, which grants municipalities “authority to exercise all powers of local self-government.” Unlike the Ohio Constitution, however, LEBOR imposes a fine on any business or government that violates the right. The amount of the fine is “the maximum . . . allowable under State law for that violation.” *Id.* § 256(a). But Ohio law does not identify any fine for violating a right to self-government. Additionally, this right includes “the right to a system of government that protects and secures . . . human, civil, and collective rights,” but the nature of those human, civil, and collective rights is anybody’s guess. *Id.* § 254(c). Like LEBOR’s environmental rights, this self-government right is an aspirational statement, not a rule of law.

SEVERABILITY

LEBOR contains a severability clause: “If any court decides that any . . . provision of this law is illegal . . . such decision shall not . . . invalidate any of the remaining . . . provisions of the law.” *Id.* § 259. Notwithstanding the clause, however, the unconstitutional parts of LEBOR are severable from the rest only if “the severability will not fundamentally disrupt the statutory scheme of which the unconstitutional provision is a part.” *State v. Hochhausler*, 76 Ohio St. 3d 455, 464 (1996); accord *Midwest Media Prop. v. Symmes Twp.*, 503 F.3d 456, 464 (6th Cir. 2007); *State v. Dean*, 170 Ohio App. 3d 292, ¶¶ 50, 52 (2007). “Are the constitutional and the unconstitutional parts capable of separation so that each may be read and may stand by itself?” *Hochhausler*, 76 Ohio St. 3d at 464 (citations omitted). If not, the entire law must fall. *Id.*

No part of LEBOR can be saved under this standard. Once the three vague rights are stripped away, the remainder is meaningless. The City urges this Court to at least leave in place LEBOR’s preamble, but the preamble contains nothing to invalidate. TOLEDO MUN. CODE ch. XVII, § 253. It merely declares certain values and findings; it does not purport to create legal rights or obligations.

To be clear, several of LEBOR’s other provisions fail on their own merits (*see, e.g.*, Doc. 61 at 19–21). For example, LEBOR’s attempt to invalidate Ohio law in the name of environmental protection is a textbook example of what municipal government cannot do. Lake Erie is not a pond in Toledo. It is one of the five Great Lakes and one of the largest lakes on Earth, bordering dozens of cities, four states, and two countries. That means the Lake’s health falls well outside the City’s constitutional right to local self-government, which encompasses only “the government and administration of the internal affairs of the municipality.” *In re Complaint of Reynoldsburg*, 134 Ohio St. 3d 29, ¶ 25 (2012) (citation omitted). Consequently, municipal laws enacted to protect Lake Erie are generally void if they conflict with Ohio law. *See Mendenhall v. City of Akron*, 117 Ohio St.

3d 33, ¶¶ 17–18 (2008). *See also Pa. Gen. Energy Co. v. Grant Twp.*, 139 F. Supp. 3d 706, 720 (W.D. Pa. 2015) (invalidating part of local ordinance similar to LEBOR due to conflict with Pennsylvania state law). LEBOR flagrantly violates this rule.

With careful drafting, Toledo probably could enact valid legislation to reduce water pollution. For instance, a Madison, Wisconsin ordinance restricted the use of phosphorus-containing fertilizers within city limits in 2004. *CropLife America, Inc. v. City of Madison*, 432 F.3d 732, 733 (7th Cir. 2005). “[P]hosphorus . . . contributes to excessive growth of algae and other undesirable aquatic vegetation in water bodies.” *Id.* (brackets, citations, and internal quotation marks omitted). The ordinance survived a lawsuit like this one. *Id.* at 735. In contrast, LEBOR was not so carefully drafted. Its authors ignored basic legal principles and constitutional limitations, and its invalidation should come as no surprise.

CONCLUSION

Frustrated by the status quo, LEBOR supporters knocked on doors, engaged their fellow citizens, and used the democratic process to pursue a well-intentioned goal: the protection of Lake Erie. As written, however, LEBOR fails to achieve that goal. This is not a close call. LEBOR is unconstitutionally vague and exceeds the power of municipal government in Ohio. It is therefore invalid in its entirety. The Motions of Drewes Farms Partnership and the State of Ohio (Docs. 34, 35) are granted, and the City of Toledo’s Cross Motions (Docs. 47, 48) are denied. The Preliminary Injunction (Doc. 9), now unnecessary, is lifted.

IT IS SO ORDERED.

s/ Jack Zouhary
JACK ZOUHARY
U.S. DISTRICT JUDGE

February 27, 2020



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

January 22, 2020

Committee Recommendation

Split Oak Forest Committee

Committee Members:

James R. Auffant, Chair
Russell Drake
John E. Fauth
Nikki Mims
Samuel Vilchez-Santiago

Procedural Background

On November 6, 2019, the 2020 Charter Review Commission (the “CRC”), after receiving substantial public input and a presentation from General Counsel, discussed whether to establish as an evaluation topic an amendment to provide additional protections and restrict the Orange County Board of County Commissioners’ (the “Commission”) ability to permit development within the Split Oak Forest Mitigation Park (“Split Oak Forest”). A motion was made by Vice Chair Auffant, and seconded by Member Vilchez-Santiago, to have Split Oak Forest be established as an evaluation topic. With one abstention, the motion carried. A further motion was made by Vice Chair Auffant, and seconded by Member Vilchez-Santiago, to establish a subcommittee for evaluation of the issue and report its findings back to the CRC. With one abstention, the motion carried.

Summary of Recommendation

Beginning on December 6, 2019, the Split Oak Forest Committee (the “Committee”) held five public meetings to hear public input and consider proposals related to providing additional protections for Split Oak Forest and restricting the Commission’s ability to permit development within Split Oak Forest. By way of background, Split Oak Forest is a wildlife and environmental area of contiguous conservation land lying within Orange and Osceola County, with approximately 1,049 acres of conservation land in Orange County. The land also serves as a mitigation bank to offset wetlands, uplands, and endangered species impacts from both private and public entities including the Orange County Convention Center. In 1991, an Interagency Agreement between Orange and Osceola County, and the Florida Game and Freshwater Fish Commission (now known as the Florida Fish and Wildlife Conservation Commission) resulted in the award of loans from Florida

Communities Trust for the counties to purchase the land comprising Split Oak Forest for conservation purposes. As a condition of receiving the loans, Orange and Osceola County executed conservation easements under FLA. STAT. § 704.06, which are memorialized in a recorded Grant Award Agreement, as amended.¹ Split Oak Forest is managed by the Florida Fish and Wildlife Conservation Commission.

Critical to the Committee's consideration, the Grant Award Agreement, as amended, provides that it may be amended at any time if the counties and Florida Communities Trust reach an agreement in writing. Moreover, Fla. Stat. § 704.06(11), permits land encumbered by a conservation easement to be developed, disposed of or utilized "for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, **public transportation corridors**, and related appurtenances." *Id.* In other words, the current protections for Split Oak Forest do not prohibit the parties to the Grant Award Agreement from amending its terms nor does it prohibit the development of transportation facilities or other linear facilities on the land.

The public impetus for evaluating whether to provide charter level protections for Split Oak Forest arose, in part, from the Central Florida Expressway Authority and the Osceola County Expressway Authority's desire to extend an expressway through a portion of Split Oak Forest. The public input received by the Committee was strongly in favor of halting those plans. On December 17, 2019, as the Committee's deliberations continued, the Commission passed Resolution 2019-M-50, supporting the use of approximately 60 acres of Split Oak Forest located exclusively in Osceola County for the development of linear facilities contingent upon 968 additional acres of land in Orange County being placed under a conservation easement. Additional actions will be required by Florida Communities Trust, the Florida Fish and Wildlife Conservation Commission, Osceola County, Orange County, and the respective expressway authorities before a transportation corridor or linear facilities are actually constructed. While it is not possible, through a charter amendment, to prohibit a transportation corridor or linear facilities from being constructed over a conservation easement under Florida law, additional restrictions and protections from future collateral

¹ While restrictions and covenants running with the land contained in a deed or other agreement are legally different from an easement, the restrictions placed on the use of the land in the Grant Award Agreement, as amended, are in the form of a statutory "conservation easement" under Chapter 704, Florida Statutes. By its terms, "[c]onservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the owner of property. . . ." Fla. Stat. § 704.06(2). Thus, a statutory conservation easement includes covenants and restrictions running with the land, as well as easements, and may be contained in the same document or instrument, such as the Grant Award Agreement, as amended. Accordingly, the use of the term "conservation easement" in this report encompasses and is synonymous with the covenants and restrictions described in the proposed charter amendment below.

commercial or residential development on Split Oak Forest may² be enforceable through a charter amendment.

The Committee heard from many members of the public in support of providing additional protections and restricting the Commission's ability to permit future commercial or residential development within Split Oak Forest. The Committee also heard from an invited guest, former Orange County Commissioner Pete Clarke, concerning the history of Split Oak Forest and the current protections afforded it under the conservation easement. The Committee reviewed and revised three proposed ballot titles, summaries and draft charter amendments prepared by the General Counsel at the Committee's direction, and studied potential benefits and risks associated with a charter amendment, including whether it was possible or advisable to require two successive, successful referendums before any charter amendment protecting Split Oak Forest, and ultimately approved by voters, could be amended. The General Counsel addressed these questions in a memorandum to the Committee.

By way of consensus, the Committee expressed its desire that the Commission delay final action with respect to Split Oak Forest until after the vote on the proposed charter amendment attached hereto, assuming it is approved for placement on the ballot by the CRC, is certified by the Supervisor of Elections.

After careful consideration of the information presented, the Committee voted 5 to 0 to recommend to the full CRC that the attached Ballot Title, Summary and proposed charter amendment be placed on the ballot for the 2020 election.

Reasons for Recommendation

1. Current Agreements and Restrictions on Split Oak Forest are Insufficient.

The current conservation easement and agreements governing the use of Split Oak Forest may be amended at any time and, as recently as December 17, 2019, the Commission has expressed its support for amending those restrictions. Therefore, the current restrictive covenants provided under the Grant Award Agreement as amended are insufficient to protect the wildlife and environment of Split Oak Forest from future commercial and residential development.

² The use of the term "may" is intended to reflect the novelty of the legal issue rather than to suggest that such a charter provision would or would not be legally enforceable. That matter is beyond the scope of this report.

2. No Guarantee the Commission or Future Commissions Will Honor Current Restrictions.

Since the Central Florida Expressway Authority and Osceola Expressway Authority are currently attempting to obtain approval to construct transportation and linear facilities on Split Oak Forest with the support of the current Commission, there is no guarantee without a charter amendment that future Commissions will not agree to amend or weaken the restrictions imposed on the land by the current conservation easements.

3. Benefits of Strengthening the Development Restrictions Outweigh the Risk.

While it is possible Orange County, another governmental agency, or a private party may bring a legal challenge over the restrictions imposed on the Board's ability to act, the risks and costs associated with such a challenge are outweighed by the substantial benefit Split Oak Forest offers as conservation land to the citizens of Orange County, ecotourism and to the natural environment.

Arguments Against Recommendation

1. Risk of Litigation.

A charter restriction prohibiting the Commission's ability to enter into or amend contracts to which it is a party, or to exercise its executive and legislative authority over Split Oak Forest may be subject to legal challenges from the Commission and/or other governmental agencies, with uncertain results. Additionally, private parties may challenge the amendment.

2. Florida Law Permits Transportation Corridors and Linear Facilities Through Conservation Easements.

Section 704.06(11), Florida Statutes, expressly allows for the development of transportation corridors and linear facilities on lands burdened by conservation easements. Therefore, even if the current or future Commissions support the amendment, it is unlikely the proposed charter amendment would effectively prohibit the respective Expressway Authorities, the Turnpike Authority or other governmental agencies with preemptive authority from building an expressway, turnpike, interstate or other limited access facility in Split Oak Forest.

3. The Proposed Amendment Does Not Go Far Enough.

Some members of the Committee and members of the public expressed the view that the proposed amendment does not go far enough because it does not contain penalties for Commissions, individuals, and/or non-natural persons who violate or attempt to violate its prohibitions.

Committee Recommendation

After careful consideration of the information and proposals presented, Member Drake made a motion that the Committee recommend the attached Ballot Title, Summary, and charter amendment be forwarded to the CRC for its consideration. The motion was seconded by Member Vilchez-Santiago. The Committee unanimously voted in favor of the motion.

Accordingly, having carefully considered the comments and proposals of the public, the comments and information provided by an invited guest, the memorandum and information provided by General Counsel, the documents, agreements, conservation easements, and resolutions related to Split Oak Forest, and otherwise being fully advised in the premises, **the Committee recommends that the attached amendment to the Orange County Charter, including Ballot Title and Summary, be made with respect to Split Oak Forest.**

Exhibits:

All Committee minutes
Interagency Agreement (1994)
Grant Award Agreement (1994)
Amendment to Grant Award Agreement (1995)
Resolution 2019-M-50 (2019)
All legal memoranda provided by General Counsel

Ballot Title, Summary and Proposed Amendment – Split Oak Forest

A. Introduction.

This Charter amendment would provide additional protections for the wildlife, vegetation, and environment of Split Oak Forest by restricting the Board of County Commissioners' ability to amend, modify or revoke the current restrictions and covenants limiting the use of Split Oak Forest to conservation use as set forth in the Interagency Agreement, Grant Award Agreement, and any other recorded restrictive covenants running with the land.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

PROTECTING SPLIT OAK FOREST BY
RESTRICTING BOARD OF COUNTY
COMMISSIONERS' AMENDMENT OF
RESTRICTIONS AND COVENANTS

Amending the charter by providing charter protections for Split Oak Forest by restricting the Board of County Commissioners' ability to amend, modify, or revoke the current restrictions and covenants running with the land, which limit the use of Split Oak Forest, in whole or in part, to conservation and the protection of its wildlife, vegetation, and environment as set forth in current agreements and restrictive covenants; and providing exceptions as provided by law.

Comptroller estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article X of the Orange County Charter is created and Section 1000.01 is added. (Underline text is added to the charter).

ARTICLE X – PROTECTION OF THE SPLIT OAK FOREST MITIGATION PARK

Section 1000.01 – Split Oak Forest Mitigation Park (“Split Oak Forest”)

A. Description. - Split Oak Forest is a Wildlife and Environmental Area of contiguous conservation land lying within Osceola and Orange County, with approximately 1,049 acres in Orange County and approximately 640 acres in Osceola County, and is more particularly described as:

Orange County Portion of Split Oak Forest

All of the South 1/2 of Section 27, Township 24 South, Range 31 East, less that portion thereof lying below the Meander line of Lake Hart established by U.S. Government Survey, Orange County, Florida.

All of Section 34, Township 24 South, Range 31 East.

The West 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 24 South, Range 31 East.

And also, all property, if any, located in South 1/2 of Section 27, Township 24 South, Range 31 East, lying lakeward of the U.S. Government Survey Meander Line for Lake Hart. Any such property rights shall remain and be appurtenant to the legal title to the real property lying contiguous to such lakeward property.

Osceola County Portion of Split Oak Forest

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 in Section 3, Township 25 South, Range 31 East according to the NEW AND CORRECTED MAP OF NARCOOSSEE, as filed and recorded in the Office of the Clerk of the Circuit Court of Osceola County, Florida in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; Together with all land adjoining the above described lots formerly shown as roads on said NEW AND CORRECTED MAP OF NARCOOSSEE which have heretofore been vacated, abandoned, closed and discontinued as public roads. All in Osceola County, Florida.

- B. Charter Protection.** On March 29, 1994, Orange County, Osceola County and the Florida Communities Trust entered into a Grant Award Agreement, Contract #94-CT-07-91-1A-J1-009, recorded in Orange County at O.R. Book 4721, Page

2133 and in Osceola County at O.R. Book 1180, Page 0078. The purpose of the Agreement was, in part, to set forth the covenants and restrictions on the use of Split Oak Forest, which were intended to run with the land. On or about July 12, 1994, the Grant Award Agreement was amended to remove portions of the land from the collection of environmental mitigation fees. The Amendment to Grant Award Agreement and Modification of Interagency Agreement for Split Oak Mitigation Park is recorded in Orange County at O.R. Book 4876, Page 1083 and in Osceola County at O.R. Book 1249, Page 2942. In order to further preserve the conservation, wildlife, vegetation and environmental protection afforded Split Oak Forest under the Interagency Agreement and Grant Award Agreement, it is necessary to restrict the Orange County Board of County Commissioner's ability to amend or revoke those critical provisions of the Grant Award Agreement as amended.

C. Restrictions. Notwithstanding any general or special law of the State of Florida and its agencies to the contrary, the Orange County Board of County Commissioners is prohibited from:

1. Entering into any agreement by vote, consent or otherwise, or passing any ordinance or resolution which has the effect of amending, modifying or revoking the restrictions and covenants strictly limiting the use of Split Oak Forest, in whole or in part, for conservation and the protection of its wildlife, vegetation, and environment as set forth in the Interagency Agreement, Grant Award Agreement as amended, and any other restrictive covenants running with the land described in subsection A as of the effective date of this charter amendment; and
2. Entering into any new contract or agreement with any other public or private party, which would supersede the restrictions on the use of Split Oak Forest contained in the Interagency Agreement, Grant Award Agreement as amended or any other restrictive covenant running with the land.

D. Exception. The prohibitions set forth in this section shall not apply to any action, negotiation, amendment, modification, agreement, ordinance or resolution entered into or undertaken by the Orange County Board of County Commissioners, which provides greater, additional, and/or more stringent protections for the wildlife, vegetation and environment or the preservation of the use of Split Oak Forest as conservation land.

E. Severability and Conflicts. The rights and violations provided herein should be interpreted, to the greatest extent possible, in harmony with any superior state or federal law governing the same rights and conduct. To the extent any provision of this Section of the Charter impermissibly conflicts with any superior state or federal law governing the same conduct, such provision shall be severable, and all other provisions shall remain fully enforceable.

F. Effective Date. This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

D. Financial Analysis and Impact:

Based on information provided by the Comptroller's Office, the cost of the proposed amendment is approximately _____, which represents _____.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Split Oak Committee

December 6, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

James R. Auffant, Chair
Russell Drake
John Fauth
Nikki Mims
Samuel Vilchez Santiago (via telephone)
Clifford Shepard, CRC Attorney
Jennifer Lara-Klimetz, Assisting CRC as Staff

Invited Guest:

Commissioner Pete Clarke

The organizational meeting of the Split Oak Committee was held to identify issues and to address any member questions.

Invited Guest

Commissioner Pete Clarke addressed the committee regarding the history of Split Oak.

Committee Chair Comments

Chair Auffant opened the meeting and members of the committee introduced themselves. Following introductions, Chair Auffant presented the ballot title, summary, and proposed amendment prepared by General Counsel.

Members Open Discussion

Member Vilchez Santiago stated that the committee should study the positive and potential negative effects the Split Oak proposal. Chair Auffant agreed.

Member Drake requested the estimated financial impacts of the Split Oak proposal. Discussion ensued.

Member Fauth provided remarks regarding Commissioner Clarke's comments. Member Fauth suggested the provision should require two successful, successive referendums before allowing the Split Oaks charter protections be removed from the Charter. Member Auffant requested General Counsel Shepard research Member Fauth's suggestion and provide his opinion at the next committee meeting. Discussion ensued.

Member Mims contributed to the conversation and thanked Chair Auffant for seeking General Counsel in the preparation of the Split Oak Ballot template.

Member Fauth submitted an exhibit to the committee by Rachel E. Deming regarding Protecting Natural Resources – Forever: The Obligations of State Officials to Uphold “Forever” Constitutional Provisions. Discussion ensued. General Counsel Shepard contributed to the discussion.

Following the discussion, the members agreed to set the next committee meeting for Monday, December 16, 2019 at 2:00 p.m.

Member Auffant commended General Counsel Shepard for his work in preparing the draft Ballot title, summary, and proposed amendment.

Public Comment

The following persons addressed the committee:

Nicole Wilson
Valerie Anderson
Charles Lee
Tina Sorbo
Jim Erwin
Trevor Sorbo
Kimberly Buchheit
Eugene Stoccardo
Megan Sorbo

Future Action Plan

Member Vilchez Santiago encouraged committee members and members of the public to visit Split Oak. Discussion ensued.

The next scheduled committee meeting will be held on Monday, December 16, 2019 at 2:00 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

Split Oak Committee

December 16, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

James R. Auffant, Chair
Russell Drake
John Fauth
Nikki Mims
Samuel Vilchez Santiago (via telephone)
Patrick Brackins, CRC General Counsel
Craig Stopyra, Senior Minutes Coordinator

The Split Oak Committee meeting was held to further identify related issues and to address any member questions.

Committee Chair Comments

Chair Auffant provided remarks regarding the committee's organizational meeting and referenced draft ballot title, summary and proposed amendment language provided by General Counsel. Chair Auffant advised the committee will first discuss the proposed language, and then he will review the questions asked of General Counsel at the December 6th committee meeting. General Counsel Brackins advised that the text in red, provided in the second draft, reflects changes made by General Counsel following the December 6th meeting.

Members Open Discussion

The members reviewed the second draft ballot title, summary and proposed amendment language, offered recommended changes and asked related questions. General Counsel Brackins contributed to the discussion.

Chair Auffant asked the members to review the draft language over the next couple of weeks in preparation of their next committee meeting in January.

Chair Auffant reviewed the questions asked of General Counsel at the last meeting and referenced the Research Questions memorandum provided by General Counsel on December 13, 2019. Discussion ensued. General Counsel Brackins contributed to the discussion.

Member Fauth questioned the penalty for violations. Discussion ensued. Member Mims asked General Counsel Brackins whether any other barriers exist, with the current draft language, which the committee members should consider over the next couple of weeks. General Counsel Brackins contributed to the discussion and advised he would look in to the standing issue.

Committee Chair Comments

Chair Auffant thanked the committee members and General Counsel for their work and commitment to the proposal.

Public Comment

The following persons addressed the committee:

- Chuck O'Neal
- Scott Boggs
- Bob Olsen
- Megan Sorto
- Katrina Shadicks
- Eugene Stoccardo

Future Action Plan

The next scheduled committee meeting will be held on Monday, January 6, 2020 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

Split Oak Committee

January 6, 2020
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

James R. Auffant, Chair
Russell Drake
John Fauth
Nikki Mims
Samuel Vilchez Santiago
Cliff Shepard, CRC General Counsel
Craig Stopyra, Senior Minutes Coordinator

The Split Oak Committee meeting was held to review proposed ballot title, summary and Charter amendment language.

Committee Chair Comments

Chair Auffant asked General Counsel Shepard to provide any comments he may have regarding the proposed language. Chair Auffant expressed his desire to vote on the proposed language at today's committee meeting in order to present it to the full CRC.

CRC General Counsel Comments

General Counsel Shepard provided a status report regarding recent actions taken by the Osceola and Orange County Board of County Commissioners related to the preferred alternative for the Osceola Parkway Extension. General Counsel Shepard explained that the committee's draft amendment is designed to stop the additional development that goes on outside of the transportation. General Counsel Shepard provided remarks regarding changes to the third page of the 3rd draft of the ballot title, summary and proposed amendment language.

Members Open Discussion

Chair Auffant opened the floor for member discussion. Chair Auffant reiterated the intent of the proposal and committee. Chair Auffant reminded committee members they were asked to review the proposed language in advance of today's meeting and to bring any exceptions to the language in order to bring a recommendation to the full CRC for a vote at the February meeting. Discussion ensued. General Counsel Shepard contributed to the discussion.

Chair Auffant asked the committee members if there was anything else they would like to add to the proposed language. Members Fauth and Vilchez Santiago provided remarks and proposed changes and inclusions to the proposed language and committee final report. General Counsel Shepard contributed to the discussion.

Public Comment

The following persons addressed the committee:

Chuck O'Neal
Kimberly Buchheit
Jay Madigan
Valerie Anderson
Eugene Stoccardo
Nicole Wilson
Gretchen Robinson
Todd Catella
Commissioner Pete Clarke

Committee Vote

Chair Auffant asked for a vote regarding the proposed ballot title, summary and amendment related to Split Oak in order to be presented to the full CRC as soon as possible. Member Vilchez Santiago requested to add the language provided by Ms. Buchheit during public comment. Member Fauth requested to add a severability clause.

Motion/Second: Members Drake / Vilchez Santiago

AYE (voice vote): Chair Auffant; Members Drake, Fauth, Mims and Vilchez Santiago

Action: The committee moved to proceed with the Split Oak Forest title, summary and proposed amendment inclusive of all three sets of amendments brought up at the meeting today; and further, bring it to the full CRC.

Future Action Plan

General Counsel Shepard asked who would prepare the committee's final report. Chair Auffant asked General Counsel to prepare the draft final report.

Member Vilchez Santiago asked to discuss what may be included in the final report. Discussion ensued. General Counsel Shepard contributed to the discussion.

The next scheduled committee meeting will be held on Wednesday, January 22, 2020 at 3:00 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

Split Oak Committee

January 22, 2020
Comptroller's 4th Floor Conference Room
3:00 p.m.

Committee Members:

James R. Auffant, Chair
John Fauth
Nikki Mims
Samuel Vilchez Santiago
Clifford Shepard, CRC General Counsel
Jennifer Lara-Klimetz, Assisting CRC as Staff

Absent Member:

Russell Drake

The Split Oak Committee meeting was held to review the final version of the ballot title, summary and proposed Charter amendment and to discuss the subcommittee final report.

General Counsel Presentation of the Final Report, Recommendation, Ballot Title and Ballot Summary

General Counsel Shepard presented the draft final report with ballot title, summary and proposed amendment language that was distributed to the committee members on January 16, 2020.

Members Open Discussion

Chair Auffant asked the committee members to provide their input. Discussion ensued. Member Fauth offered suggested changes to the final report. General Counsel Shepard contributed to the discussion.

Committee Chair Comments

Chair Auffant thanked the committee members. Chair Auffant provided remarks regarding why he brought this proposal forward to the CRC.

Public Comment

The following persons addressed the committee:

Nicole Wilson
Chuck O'Neal
Eugene Stoccardo
Johana Munoz (phonetic)

Committee Vote

Motion/Second: Members Vilchez Santiago / Mims

AYE (voice vote): Chair Auffant; Members Fauth, Mims and Vilchez Santiago

Absent: Member Drake

Action: The committee moved to approve the package before the committee to be sent to the full CRC with the committee's recommendation that Split Oak be placed on the ballot for 2020, including Member Fauth's amendments.

Resolution

Member Vilchez Santiago provided remarks regarding the resolution he drafted and that was provided to the committee members on January 17, 2020. Member Vilchez Santiago asked that the resolution come from the entire committee when presenting it to the full CRC. Discussion ensued.

Motion/Second: Members Vilchez Santiago / Fauth

AYE (voice vote): Chair Auffant; Members Fauth and Mims

Absent: Member Drake

Action: The committee moved to approve the resolution and send it to the full CRC for the Monday, March 23 meeting as a separate item from the final report.

Member Vilchez Santiago requested General Counsel to present the resolution to the full CRC. Chair Auffant requested General Counsel Shepard to review the resolution prior to the next committee meeting.

Member Vilchez Santiago advised citizen Kimberly Buchheit asked for her email to be read in to the record. Chair Auffant asked for the email to be included in the record.

Future Action Plan

Chair Auffant advised if the committee members have no objections to changes made to the resolution by General Counsel, then the next committee meeting will be cancelled.

The next scheduled committee meeting will be held on Wednesday, February 12, 2020 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

Split Oak Committee

February 12, 2020
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

James R. Auffant, Chair
Russell Drake
John Fauth
Samuel Vilchez Santiago
Clifford Shepard, CRC General Counsel
Craig Stopyra, Senior Minutes Coordinator

Absent Members:

John Fauth
Nikki Mims

The Split Oak Committee meeting was held to discuss the subcommittee final report and proposed resolution.

Members Open Discussion

Chair Auffant asked the committee members if there was anything they would like to change or discuss before presenting to the full CRC. The members discussed the direction provided by Chair Evans at the February 5, 2020 meeting related to including the resolution as part of the subcommittee's final report. Discussion ensued. General Counsel Shepard contributed to the discussion.

Chair Auffant requested General Counsel Shepard contact Chair Evans for clarification that the final report and resolution will be two separate votes. Discussion ensued. General Counsel Shepard contributed to the discussion.

Member Vilchez Santiago recommended that the resolution be included for the full CRC meeting on May 14, 2020, after the committee has presented its second reading of the final report on May 6, 2020. Discussion ensued. Further, Member Vilchez Santiago recommended that the resolution be amended, as it was formatted by General Counsel, and include it for a vote on May 14, 2020 if the Split Oak amendment is approved on May 6, 2020. General Counsel Shepard advised that the resolution does not need to be amended. Discussion ensued amongst the subcommittee members and General Counsel.

Committee Chair Comments

Chair Auffant thanked Member Mims for her assistance and congratulated the subcommittee members on their excellent job. In addition, Chair Auffant thanked General Counsel for his work. Discussion ensued.

Future Action Plan

Chair Auffant advised he and General Counsel would present the first reading of the subcommittee's final report.

General Counsel Shepard confirmed with Chair Auffant that he will remove the language to include the resolution in the final report as well as fixing typographical errors.

Member Vilchez Santiago provided remarks regarding the committee's vote at their last meeting on January 22, 2020 related to bringing the resolution to the full CRC on March 23, 2020. Member Vilchez Santiago recommended amending the vote to present on May 14, 2020. Member Vilchez Santiago will provide the materials to the Clerk's Office in time for the agenda deadline.

Public Comment

No members of the public addressed the committee during public comment.

SNV 2-1-94
DIVISION LOG # _____

CONTRACT ROUTING REVIEW FORM

CONTRACT NUMBER 93078 CONTRACTOR _____
BRIEF TITLE SPLIT OAK MITIGATION PARK

(X)NEW ()RENEWAL ()EXTENSION ()AMENDMENT (See Reverse for Definitions)

CONTRACT BEGIN DATE _____ END DATE _____ OPTION FOR _____ YEARS

ORIGINATOR/CONTACT MIKE ALLEN PHONE 8-6661 DIV/OFF _____

TOTAL CONTRACT AMOUNT \$ _____ PAYMENT AMOUNT \$ 175,000 *mya*

BILLING PERIODS: ()MONTHLY ()QUARTERLY ()ANNUALLY ()OTHER _____

()EXPENDITURE ()REVENUE (X) AGREEMENT

RCC CODE 7075 *mya* CATEGORY _____ OBJECT CODE _____ PROJECT _____

CLASS/GROUP CODE _____ SACCS YES _____ NO L

ROUTING ORDER FOR APPROVAL	CONCUR/INITIALS	DATE	COMMENTS
1. PROJECT LEADER*	<i>mya</i>	<u>4.17.94</u>	
2. DIV/REGIONAL DIRECTOR*	<i>BGA</i>	<u>2/17/94</u>	
3. PURCHASING*	<i>BSH</i>	<u>2/17/94</u>	
4. LEGAL	<i>JL</i>	<u>2/22/94</u>	
5. AD SERVICES			
DISBURSEMENT MANAGER			
REVENUE MANAGER			
ACCOUNTING DIRECTOR			
FEDERAL AID ACCOUNTANT*			
AD SERVICES DIRECTOR	<i>SP</i>	<u>2/22/94</u>	
6. EXEC/DIV/REGION DIRECTOR*	<i>WCS</i>		

*ROUTING OF FEDERAL AID DOCUMENTS ONLY

DIVISION/OFFICES ARE TO FORWARD COMPLETED ORIGINAL CONTRACT AND ROUTING SLIP TO THE PURCHASING OFFICE.

DEFINITIONS

RENEWAL - means contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.

EXTENSION - means an increase in time allowed for the contract period due to circumstances which, without fault of either party, make performance impracticable or impossible, or which prevent a new contract from being executed, with a proportional increase in the total dollar amount; which increase is to be based on the method and rate previously established in the contract.

AMENDMENT - means a correction, revision or a change to an existing contract, other than one which solely affects a renewal (as stated above) or the extension of the duration of the contract (as stated above).

NOTE: Careful attention should be given to any alterations to contracts resulting from a formal bid. Please contact the Purchasing Office.

FEB 15 1994 JC/SD

MAR 1 1994 GCH 22/1994 for initialed changes

INTERAGENCY AGREEMENT FOR SPLIT OAK FOREST MITIGATION PARK

This interagency agreement is made by and between ORANGE COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "Orange"), OSCEOLA COUNTY, FLORIDA, a political subdivision of the State of Florida (hereinafter referred to as "Osceola") and FLORIDA GAME AND FRESHWATER FISH COMMISSION, a state agency existing under the Florida Constitution (hereinafter referred to as the "GFC").

RECITALS

WHEREAS the GFC has an interest in the establishment of a Mitigation Park program to accommodate wildlife mitigation efforts within the East Central Florida Regional Planning Council boundary.

WHEREAS both Osceola and Orange have a concurrent interest in providing lands that could be used for mitigation of environmental impacts caused by existing and proposed development.

WHEREAS a site, which is located in both Osceola and Orange County and which is referred to as the Split Oak Forest Mitigation Park, is the preferred site for the establishment of a mitigation park facility. The Split Oak Forest Mitigation Park (hereinafter referred to as the "Project") is depicted in Exhibit A herein attached and made a part of this agreement.

WHEREAS the interest of all the above named parties who are involved in environmental mitigation could be best served by submitting a joint application for funding through the Florida Communities Trust (hereinafter referred to as the "FCT") program for the acquisition of the Project.

WHEREAS, on December 16, 1991 and December 17, 1991, the Osceola County Board of County Commissioners and the Orange County Board of County Commissioners respectively approved the submittal of a partnership application with the Florida Game and Freshwater Fish Commission to the FCT for the Project.

WHEREAS, the FCT Governing Board pursuant to Sections 259.101 and 380.502, Florida Statutes, and Rule 9K-4, Florida Administrative Code awarded Conceptual Approval to the Project partnership application on April 30, 1992.

WHEREAS, Osceola has been approved for a \$2,700,000.00 loan from FCT, Orange has been awarded a \$2,320,000 matching grant from FCT and GFC has established the East Central Florida Habitat Trust Fund for the Project and has agreed to commit \$175,000 towards the initial acquisition of the Project.

for obtaining a management/conservation easement within
WHEREAS, on June 19, 1992, the FCT Governing Board approved the Conceptual Approval Agreement setting forth the terms and conditions of funding for the Project.

WHEREAS, on September 16, 1992, Orange and Osceola approved the Conceptual Approval Agreement which required as one of its conditions, the execution of an interagency agreement between Orange, Osceola and GFC that addresses the fiscal and management responsibilities for the Project.

NOW, THEREFORE, in consideration of the foregoing, and of the terms and conditions stated below, Orange, Osceola and GFC agree to be legally bound as follows:

1. FISCAL RESPONSIBILITIES. All monies that are collected by each of the parties for environmental mitigation satisfied by using the Project shall comply with the following subsections.

(A) Each party agrees to establish the fees charged for participation in the Project as follows:

Total Project Acquisition Costs shall mean the total purchase price of the Project including costs of any title insurance, property appraisals, boundary surveys, environmental audits, closing costs and other direct and incidental costs required for purchase of the Project minus the \$2,320,000.00 matching grant from Florida Communities Trust. No agency staff or internal costs shall be included.

Non-FCT
A.E.
Ja.8
Q
An Upland Preservation Mitigation Fee shall mean Total Project Acquisition Costs minus the purchase cost of all on-site wetlands divided by the total number of non-FCT upland acres within the Project plus a 3.0% State Imposed Loan Charge.

A Wetland Restoration/Creation Mitigation Fee shall mean the Total Project Acquisition Costs minus the purchase price of all on-site non-FCT uplands divided by the total number of non-FCT wetland acres within the Project plus by a 3.0% State Imposed Loan Charge plus any design, construction, monitoring, maintenance or any similar costs directly related to creation or restoration of wetlands on the Project.

308 *NON-FCT*
A Wetland Preservation Mitigation Fee shall mean the Total Project Acquisition Costs minus the purchase price of all on-site uplands divided by the total number of wetland acres within the Project plus a 3.0% State Imposed Loan Charge.

Q For the purposes of this agreement, an acre of the Project shall be synonymous with a mitigation credit.

FCT uplands and wetlands are those areas legally defined in the final boundary survey for the project, and shall not be available for sale as mitigation.

(B) To provide sufficient funds for perpetual management, each party agrees to charge a management fee for the Project. The management fee shall be calculated as follows:

All non-FCT uplands used as mitigation shall be assessed a GFC management fee of 15% equivalent to the Upland Preservation Mitigation Fee multiplied by 15%. All non-FCT wetlands used as mitigation shall be assessed a GFC fee of 15% equivalent to the Wetland Preservation Fee multiplied by 15%.

County Administration Fee = \$100.00 per mitigation acre

308
Q (C) All Upland and Wetland Preservation Mitigation Fees collected by each party shall be used to first satisfy repayment of the \$2,700,000 loan from Florida Communities Trust. Only that portion of the Wetland Restoration/Creation Mitigation Fees collected by each party that excludes any design, construction, monitoring, maintenance or any similar costs directly related to the creation or restoration of wetlands on the Project shall be used to satisfy repayment of the \$2,700,000 loan from FCT. Each party agrees to require all Upland, Wetland Restoration/Creation or Wetland Preservation Mitigation Fees as described above to be made payable to the Florida Communities Trust. Each payment to FCT shall be a cashiers or certified check and sent via certified mail return receipt by the property owner or developer in need of environmental mitigation with copies of the check and receipt provided to the other two parties such that all three parties are notified on all monies collected and paid to FCT. No permits or mitigation credits shall be issued or validated by each of the parties until the payment has been received by FCT. For the purposes of this agreement, "permit" is defined as any official action of each party that could result in the physical alteration of land, clearing of vegetation or similar activities that would change the existing land use of the property that is the subject of a development approval

each respective County, as appropriate, or to

application or the taking of an animal species as listed by Chapter 39-27.003, 39-27.004, 39-27.005, Florida Administrative Code.

(D) Each party agrees to require all Management and Administration Fees levied to be made payable to the GFC and Orange or Osceola as may be applicable. Each payment to GFC and to the applicable County shall be a cashiers or certified check and sent via certified mail return receipt by the property owner or developer in need of environmental mitigation with copies of the check and receipt provided to the other two parties such that all three parties are notified on all monies collected and paid to GFC and to the respective counties. When the Project is used to secure permit approval, no permit or mitigation credit shall be issued or validated by each of the parties until the payment has been received by GFC or the applicable County.

(E) Upland, Wetland Restoration/Creation or Wetland Preservation Mitigation Fees collected by each of the parties shall be used to repay the \$ 3,179,615.00 cash advance provided by Orange once the FCT loan has been repaid in full. Each payment to Orange shall be a cashiers or certified check and sent via certified mail return receipt by the property owner or developer in need of environmental mitigation with copies of the check and receipt provided to the other two parties such that all three parties are notified on all monies collected and paid to Orange. Once Orange has been repaid in full, then Upland, Wetland Restoration/Creation or Wetland Preservation Mitigation Fees collected by each of the parties shall be used to repay the \$414,285.00 cash advance provided by Osceola in accordance with the same procedure.

(F) Once the FCT loan has been repaid in full, the 3% State Imposed Loan Charge shall no longer be included in the Upland Preservation, Wetland Restoration/Creation or Wetland Preservation Mitigation Fees charged by the parties and subsequently paid to Orange and Osceola.

(G) Once the cash advances provided by Orange and Osceola have been paid in full, then each party agrees to consider the Project completed and that each party can no longer collect Upland, Wetland Restoration/Creation or Wetland Preservation Fees, Management, or Administration Fees.

(H) GFC agrees that all monies collected by that agency for incidental take permits for gopher tortoises (Gopherus polyphemus) within Volusia, Osceola, Orange, Lake, Seminole and Brevard Counties shall be administered solely in accordance with Section 1 of this

agreement until FCT and Orange and Osceola have been repaid in full. To the extent that under its existing and future rules and in accordance with valid biological principles GFC finds that it can use the Project as mitigation for other listed wildlife species, it will direct monies resulting from incidental take permits within Volusia, Osceola, Orange, Lake, Seminole and Brevard Counties to be administered in accordance with Section 1 and 3(A) of this agreement.

2. MANAGEMENT RESPONSIBILITIES.

(A) GFC will establish the Project as a Wildlife and Environmental Area pursuant to Rule 39-17.002 and will assume management responsibility of the Project. Management Fees collected pursuant to subsection 1 of this agreement will be administered by GFC and used to establish a management endowment fund and the principal and interest that accrues on behalf of monies held in this account will be used to fund management activities on an annual basis solely for the Project. This assignment of management responsibility shall not preclude Orange or Osceola from recreational use of the Project so long as said recreational uses comply with specific regulations promulgated by GFC pursuant to Rule 39-17.005, F.A.C., are consistent with the management plan adopted as part of the Project plan approval (as defined by Rule 9K-4.011 F.A.C.) for the Project, do not unreasonably interfere with the protection of the wildlife and vegetation and comply with the terms and conditions of the Conceptual Approval Agreement between Orange, Osceola, and FCT. No wetland creation or restoration shall occur on non-FCT uplands without the prior approval of GFC. Any proposed recreational uses may be used by Orange and Osceola to maintain their adopted level of service standards for recreation but shall be subject to the written approval of the GFC and FCT. Said approval shall not be unreasonably withheld upon clear demonstration that the proposed recreational uses do not adversely impact the natural resources of the Project or listed wildlife populations of the Project, violate any rule adopted under Rule 39-17.005, F.A.C., and enhance the public recreational use of the Project.

(B) Administration Fees collected by Orange and Osceola pursuant to Section 1 of this Agreement shall only be used to finance the establishment and operation of a county wetland mitigation bank.

(C) To ensure that lands that have been obligated by GFC as mitigation for listed wildlife species and for which Upland Preservation Mitigation Fees have been collected are permanently protected as GFC Mitigation

Parks, conservation easements shall be granted to GFC by Orange or Osceola. Conservation easements conveyed to GFC shall be consistent with Section 704.06, Florida Statutes, and shall protect the ability of GFC to access and manage lands within the easement. ~~Within 90 days of the transfer of fee simple title of the Project to~~ Orange and Osceola ~~Osceola~~ shall convey a conservation easement for at least 100 acres of non-FCT uplands to GFC. Upon written notice from GFC that 90% of the previous contiguous easement has been obligated by GFC and for which Upland Preservation Mitigation Fees have been collected, subsequent conservation easements of at least 100 acres shall be granted by Osceola to GFC. When 90% of the last easement in Osceola is obligated by GFC, Orange shall grant conservation easements in the same manner as described above until all non-FCT uplands have been obligated by GFC and for which Upland Preservation Mitigation Fees have been collected.

10.8
Prior to
GFC directing
payments to
Orange or Osceola,

10.8
C.

3. MITIGATION ADMINISTRATION. Mitigation credits shall be administered by each of the parties as follows:

(A) The Project contains approximately 1,100 acres of upland preservation mitigation credits. Upland Preservation Mitigation Fees for wildlife mitigation shall be administered by the GFC. No more than approximately 1,100 upland acres, pending completion of the final boundary survey for the Project, shall be made available for listed wildlife mitigation credits. Orange and Osceola can sell Upland Preservation Mitigation credits as long as the GFC Management Fee is assessed. No permits shall be validated by GFC until payment of the Upland Preservation Mitigation Fee and Management Fees have been made in accordance with Section 1 of this agreement. Orange and Osceola shall consider validation of a permit by the GFC for mitigation satisfied by using the Project and payment of the Upland Preservation Mitigation Fee and Management Fees in accordance with Section 1 as satisfying their respective local ordinances regarding said species.

(B) Upland Preservation, Wetland Restoration/Creation and/or Wetland Preservation Mitigation Fees for wetland impacts that are satisfied by using the Project shall be administered by Orange and Osceola according to the following ratios:

- (1) For wetlands that are hydrologically connected to natural surface water or isolated wetlands greater than or equal to 40.0 acres, the mitigation ratio shall be 5.0 acres of mitigation to 1.0 acre of impact.

(2) For isolated wetlands less than 40.0 acres but greater than or equal to 5.0 acres shall be as follows:

- (a) for non-forested wetlands, the mitigation ratio is 1.5 acres of mitigation for 1.0 acre of impact;
- (b) for cypress dominated forested wetlands, the mitigation ratio is 2.0 acres of mitigation for 1.0 acre of impact;
- (c) for non-cypress dominated forested wetlands, the mitigation ratio is 2.5 acres of mitigation for 1.0 acre of impact.

(3) For isolated wetlands less than 5.0 acres, the mitigation ratio is 1.0 acre of mitigation for 1.0 acre of impact.

(4) The above shall apply unless these ratios are modified by a mitigation bank permit issued to Orange and/or Osceola by the South Florida Water Management District, Florida Department of Environmental Regulation, and the Army Corps of Engineers. In such case, mitigation ratios, success criteria and the operation procedures shall be established in accordance with said permit.

No permits or mitigation permits shall be issued by Orange or Osceola until payment of the Upland, Wetland Restoration/Creation or Wetland Preservation Mitigation Fees, Management and Administration Fees have been made in accordance with Section 1 of this agreement.

(C) Mitigation credits for wildlife or wetlands shall be available to any property owner or developer in need of environmental mitigation without respect to political jurisdiction within the East Central Florida Regional Planning Council boundary. Payments shall be made in accordance with Section 1 of this Agreement.

(D) If Orange or Osceola wish to reserve Wetland Restoration/Creation or Wetland Preservation Mitigation Fees for their exclusive use and discretion in awarding credits, then the party desirous of reserving the credits shall provide written notice via certified mail to the other parties of said intent. The notice shall include the amount of credits reserved and indicate the period of time of reservation. In no case shall the reservation exceed three (3) years or reserve wetland credits outside the party's respective political jurisdiction. If Orange or Osceola desire to extend the reservation beyond the initial three (3) year period,

then the Wetland Restoration/Creation or Wetland Preservation Mitigation Fee, Management and Administration Fee for each reserved credit becomes immediately payable in full in accordance with Section 1 of this agreement.

4. **COMPREHENSIVE PLAN AMENDMENTS.** As required by the Conceptual Approval Agreement and after fee simple title for the Project has been transferred to Orange and Osceola, Orange and Osceola shall amend their respective future land use maps at the next available amendment cycle such that the Project is assigned to a category dedicated to open space, conservation, or outdoor recreation uses as appropriate.
5. **ANNUAL REPORTS.** Orange, Osceola and GFC agree to jointly prepare and submit the annual report to FCT as required by the Conceptual Approval Agreement.
6. **MODIFICATION OF AGREEMENT.** This agreement may be modified to resolve any conflicts or unforeseen circumstances that may arise during the establishment, administration or completion of the Project. Modification of this agreement shall require approval by all parties to this agreement and FCT.
7. **TERMINATION OF AGREEMENT.** This Agreement shall automatically terminate upon the failure to acquire the Project in accordance with the provisions of the Conceptual Approval Agreement.
8. **SEVERABILITY.** If any provision of this Interagency Agreement or the application thereof to any person or circumstance is held by a court of competent jurisdiction to be partially or wholly invalid or unenforceable for any reason whatsoever, any such invalidity, illegality, or unenforceability shall not affect other provisions or applications of this Agreement which can be given effect without the invalid provision or application and to this end the provisions of this Agreement are declared severable.
9. **EFFECTIVE DATE.** This Agreement shall take effect on the later of the dates stated below after each party has approved it.

10. The GFC's obligation under this agreement is subject to legislative appropriation and compliance with laws governing state trust funds

OSCEOLA COUNTY, FLORIDA

By: [Signature]
Chairman, Osceola County
Commission

~~Accepted as to Legal Form
and Sufficiency:~~

Date: _____

FLORIDA GAME AND FRESH
WATER FISH COMMISSION

By: [Signature]
Executive Director, Florida Game and
Fresh Water Fish Commission

Accepted as to Legal Form
and Sufficiency:

[Signature]
Date: 2/22/94

FOR THE USE AND RELIANCE OF
OSCEOLA COUNTY ONLY
APPROVED AS TO FORM

2-15, 1994

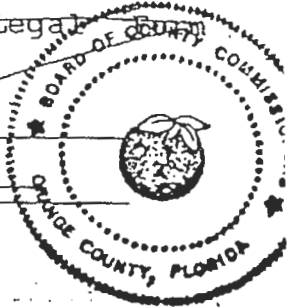
[Signature]
NEAL D. BOWEN
Osceola County Attorney

ORANGE COUNTY, FLORIDA

By: [Signature] for James C. Bennett County Administrator
Orange County Chairman

~~Accepted as to Legal Form
and Sufficiency:~~

Date: _____



FOR THE USE AND RELIANCE OF
ORANGE COUNTY ONLY
APPROVED AS TO FORM

2-8 1994
[Signature]
PAUL H. CHAPMAN
ASSISTANT COUNTY ATTORNEY

BEFORE ME this day personally appeared Jan C. Bennett County Administrator to me known to be the Orange County Chairman who acknowledged that she executed the foregoing on behalf of Orange County, Florida, this 16th day of February 1997.4



TRISHA M. GRENNELL
MY COMMISSION # CC316626 EXPIRES
September 16, 1997
BONDED THRU TROY FAIR INSURANCE, INC.

Trisha M. Grennell
Notary Public

My Commission Expires: September 16, 1997

BEFORE ME this day personally appeared Charles Owen to me known to be the Osceola County Chairman who acknowledged that he executed the foregoing on behalf of Osceola County, Florida, this 15th day of February 1997.4

Beverly G. Downing
Notary Public

My Commission Expires:

BEVERLY G. DOWNING
Notary Public, State of Florida
My Commission Expires June 26, 1997
Commission #CC011804

BEFORE ME this day personally appeared Allan J. Egbert to me known to be the Florida Game and Fresh Water Fish Commission Executive Director who acknowledged that he executed the foregoing on behalf of the Florida Game and Freshwater Fish Commission, Florida, this 23rd day of February 1997.4

Rosemary Mara
Notary Public

My Commission Expires:



ROSEMARY MARA
MY COMMISSION # CC 153102 EXPIRES
October 20, 1995
BONDED THRU TROY FAIR INSURANCE, INC.

EXHIBIT A

SPLIT OAK FOREST MITIGATION PARK
LEGAL DESCRIPTION

Orange County portion

All of the South 1/2 of Section 27, Township 24 South, Range 31 East less that portion thereof lying below the Meander Line of Lake Hart established by U.S. Government Survey, Orange County, Florida.

All of Section 34, Township 24 South, Range 31 East.

The West 1/2 of the Southwest 1/4 and the Southeast 1/4 of the Southwest 1/4 of Section 35, Township 24 South, Range 31 East.

And also, all property, if any, located in South 1/2 of Section 27, Township 24 South, Range 31 East lying lakeward of the U.S. Government Survey Meander Line for Lake Hart. Any such property rights shall remain and be appurtenant to the legal title to the real property lying contiguous to such lakeward property.

All of the above located in Orange County, Florida.

Osceola County portion

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 in Section 3, Township 25 South, Range 31 East according to the NEW AND CORRECTED MAP OF NARCOOSSEE, as filed and recorded in the Office of the Clerk of the Circuit Court of Osceola County, Florida in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; Together with all land adjoining the above described lots formerly shown as roads on said NEW AND CORRECTED MAP OF NARCOOSSEE which have heretofore been vacated, abandoned, closed and discontinued as public roads, all in Osceola County, Florida.

All of the above located in Osceola County, Florida.

MAR 29 1994 *ad/glc*

Orange Co FL 4826148
04/04/94 04:07:42pm
OR Bk 4721 Pg 2133
Rec 55.50

CONTRACT # 94-CT-07-91-1A-J1-009 FLORIDA COMMUNITIES TRUST
P1A AWARD# 91-009-P1A

GRANT AWARD AGREEMENT

THIS AGREEMENT is entered into this 29th day of MARCH, 1994, by and between the FLORIDA COMMUNITIES TRUST ("FCT"), a nonregulatory agency within the State of Florida Department of Community Affairs, and OSCEOLA COUNTY, a political subdivision of the State of Florida and ORANGE COUNTY, a political subdivision of the State of Florida ("FCT Recipient"), in order to impose terms, conditions, and restrictions on the use of the proceeds of certain bonds, hereinafter described, and the lands acquired with such proceeds and as described in Exhibit "A" attached hereto and made a part hereof ("Project Site"), as shall be necessary to ensure compliance with applicable Florida Law and federal income tax law and to otherwise implement provisions of Chapters 253, 259, and 380, Florida Statutes.

WHEREAS, Part III Chapter 380, Florida Statutes, the Florida Communities Trust Act, creates a nonregulatory agency within the Department of Community Affairs, which will assist local governments in bringing into compliance and implementing the conservation, recreation and open space, and coastal elements of their comprehensive plans and in otherwise conserving natural resources and resolving land use conflicts by providing financial assistance to local governments to carry out projects and activities authorized by the Florida Communities Trust Act;

WHEREAS, Section 259.101(3)(c), Florida Statutes, provides for the distribution of ten percent (10%) of the net Preservation 2000 Revenue Bond proceeds to the Department of Community Affairs to provide land acquisition grants and loans to local governments through the FCT;

WHEREAS, the Governor and Cabinet authorized the sale and issuance of State of Florida Department of Natural Resources Preservation 2000 Revenue Bonds (Bonds);

WHEREAS, the Bonds were issued as tax-exempt bonds, meaning that the interest on the Bonds is excluded from the gross income of Bondholders for federal income tax purposes;

WHEREAS, Rule 9K-4.010(2)(e), F.A.C., authorizes FCT to impose conditions for funding on those FCT applicants whose

projects have been selected for funding in accordance with Rule Chapter 9K-4, F.A.C.;

WHEREAS, the FCT has approved the terms under which the Project Site is acquired and the deed whereby the FCT Recipient acquires title to the Project Site shall contain such covenants and restrictions as are sufficient to ensure that the use of the Project Site at all times complies with Section 375.051, Florida Statutes and Section 9, Article XII of the State Constitution and shall contain clauses providing for the conveyance of title to the Project Site to the Board of Trustees of the Internal Improvement Trust Fund upon the failure of the FCT Recipient to use the Project Site acquired thereby for such purposes; and

WHEREAS, such covenants and restrictions shall be imposed by an agreement which shall describe with particularity the real property which is subject to the agreement and shall be recorded in the county in which the real property is located; and

WHEREAS, the purpose of this Agreement is to set forth the covenants and restrictions that are imposed on the Project Site subsequent to its acquisition with the FCT Preservation 2000 Bond Proceeds.

NOW THEREFORE, in consideration of the mutual covenants and undertakings set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, FCT and FCT Recipient do hereby contract and agree as follows:

I. GENERAL CONDITIONS.

1. Upon execution and delivery by the parties hereto, the FCT Recipient shall cause this Agreement to be recorded and filed in the official public records of Orange County, Florida, and in the official public records of Osceola County, Florida, and referenced by the warranty deeds vesting fee simple title to the Project Site in the FCT Recipient, and in such manner and in such other places as FCT may reasonably request, and shall pay all fees and charges incurred in connection therewith.

2. The FCT Recipient and FCT agree that the State of Florida Department of Environmental Protection will forward this Agreement to Department of Environmental Protection Bond Counsel for review. In the event Bond Counsel opines that an amendment is required to this Agreement so that the tax exempt status of the Preservation 2000 Revenue Bonds is not jeopardized, FCT and FCT Recipient shall amend the Agreement accordingly.

3. This Agreement may be amended at any time. Any amendment must be set forth in a written instrument and agreed to by both the FCT Recipient and FCT.

4. This Agreement and the covenants and restrictions contained herein shall run with the Property herein described and shall bind, and the benefits shall inure to, respectively, the FCT and the FCT Recipient and their respective successors and assigns.

5. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida, with respect to both substantive rights and with respect to procedures and remedies.

6. Any notice required to be given hereunder shall be given by personal delivery, by registered mail or by registered expedited service at the addresses specified below or at such other addresses as may be specified in writing by the parties hereto, and any such notice shall be deemed received on the date of delivery if by personal delivery or expedited delivery service, or upon actual receipt if sent by registered mail.

FCT:

Florida Communities Trust
Department of Community Affairs
2740 Centerview Drive
Tallahassee, FL 32399-2100
ATTN: Executive Director

FCT Recipient:

Orange County, a political
subdivision of the State of Florida
201 South Rosalind Avenue
Orlando, FL 32801
ATTN: Board of County Commissioners

Osceola County, a political
subdivision of the State of Florida
17 South Vernon Avenue
Kissimmee, FL 32741

ATTN: Board of County Commissioners

7. If any provision of the Agreement shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

II. PROJECT SITE REQUIREMENTS IMPOSED BY CHAPTER 259, CHAPTER 375, AND CHAPTER 380, PART III, FLORIDA STATUTES.

1. If any essential term or condition of this grant agreement is violated by the FCT Recipient or by some third party with the knowledge of the FCT Recipient and the FCT Recipient does not correct the violation within 30 days of notice of the violation, fee simple title to all interest in the Project Site shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund. The FCT shall treat such property in accordance with Section 380.508(4)(e), Florida Statutes.

FCT shall investigate any violation of terms and conditions to determine if both FCT Recipients have knowledge of or are a party to the violation. If it is determined that one of the FCT Recipients has no knowledge of, has notified FCT of, or is not a party to the violation, the FCT Recipient not in violation shall not be required to convey fee simple title to its interest in the Project Site to the Board of Trustees of the Internal Improvement Trust Fund.

2. Any transfer of the Project Site shall be subject to the approval of FCT and FCT shall enter into a new agreement with the transferee, containing such covenants, clauses, or other restrictions as are sufficient to protect the interest of the people of Florida.

3. The interest, if any, acquired by the FCT Recipient in the Project Site will not serve as security for any debt of the FCT Recipient unless FCT approves the transaction.

4. If the existence of the FCT Recipient terminates for any reason, title to all interest in real property it has acquired with the FCT award shall be conveyed to the Board of Trustees of the Internal Improvement Trust Fund, unless FCT negotiates an agreement with another local government or nonprofit organization which agrees to accept title to all interest in and to manage the Project Site.

5. In the event that the Project Site is damaged or destroyed or title to the Project Site, or any part thereof, is taken by any governmental body through the exercise or the threat of the exercise of the power of eminent domain, the FCT Recipient shall deposit with the FCT any insurance proceeds or any condemnation award, and shall promptly commence to rebuild, replace, repair or restore the Project Site in such manner as is consistent with the Agreement. The FCT shall make any such insurance proceeds or condemnation award moneys available to provide funds for such restoration work. In the event that the FCT Recipient fails to commence or to complete the rebuilding,

repair, replacement or restoration of the Project Site after notice from the FCT, the FCT shall have the right, in addition to any other remedies at law or in equity, to repair, restore, rebuild or replace the Project Site so as to prevent the occurrence of a default hereunder.

Notwithstanding any of the foregoing, FCT will have the right to seek specific performance of any of the covenants and restrictions of this Agreement concerning the construction and operation of the Project Site.

III. PROJECT SITE OBLIGATIONS IMPOSED BY FCT ON THE FCT RECIPIENT.

1. The Project Site shall be managed only for the conservation, protection and enhancement of natural and historical resources and for passive, natural resource-based public outdoor recreation which is compatible with the conservation, protection and enhancement of the Project Site, along with other related uses necessary for the accomplishment of this purpose. The proposed uses for the Project Site are specifically designated in the Project Plan as approved by FCT.

2. The FCT Recipient shall prepare and submit to FCT an annual report as required by Rule 9K-4.013, F.A.C.

3. The FCT Recipient shall ensure that the future land use designation assigned to the Project Site is for a category dedicated to open space, conservation, or outdoor recreation uses as appropriate. If an amendment to the FCT Recipient's comprehensive plan is required to comply with this paragraph, the amendment shall be proposed at the next comprehensive plan amendment cycle available to the FCT Recipient.

4. FCT Recipient shall ensure, and provide evidence thereof to FCT, that all activities under this Agreement comply with all applicable local, state, regional and federal laws and regulations, including zoning ordinances and the adopted and approved comprehensive plan for the jurisdiction as applicable. Evidence shall be provided to FCT that all required licenses and permits have been obtained prior to the commencement of any construction.

5. The FCT Recipient shall, through its agents and employees, prevent the unauthorized use of the Project Site or any use thereof not in conformity with the FCT approved project plan.

6. FCT staff or its duly authorized representatives shall have the right at any time to inspect the Project Site and the operations of the FCT Recipient at the Project Site.

7. All buildings, structures, improvements, and signs shall require the prior written approval of FCT as to purpose. Further, tree removal, other than non-native species, and/or major land alterations shall require the written approval of FCT. The approvals required from FCT shall not be unreasonably withheld by FCT upon sufficient demonstration that the proposed structures, buildings, improvements, signs, vegetation removal or land alterations will not adversely impact the natural resources of the Project Site. The approval by FCT of the FCT Recipient's management plan addressing the items mentioned herein shall be considered written approval from FCT.

8. If archaeological and historic sites are located on the Project Site, the FCT Recipient shall comply with Chapter 267, Florida Statutes. The collection of artifacts from the Project Site or the disturbance of archaeological and historic sites on the Project Site will be prohibited unless prior written authorization has been obtained from the Department of State, Division of Historical Resources.

9. The FCT Recipient shall ensure that the Project Site is identified as being publicly owned and operated as a natural resource-based public outdoor recreational site in all signs, literature and advertising regarding the Project Site. The FCT Recipient shall erect a sign(s) identifying the Project Site as being open to the public and as having been purchased with funds from FCT and FCT Recipient.

IV. OBLIGATIONS INCURRED BY FCT RECIPIENT AS A RESULT OF BOND PROCEEDS BEING UTILIZED TO PURCHASE THE PROJECT SITE.

1. If the Project Site is to remain subject, after its acquisition by the State and the FCT Recipient, to any of the below listed activities or interests, the FCT Recipient shall provide at least 60 days written notice of any such activity or interest to FCT prior to the activity taking place, and shall provide to FCT such information with respect thereto as FCT reasonably requests in order to evaluate the legal and tax consequences of such activity or interest:

a. any lease of any interest in the Project Site to a non-governmental person or organization;

b. the operation of any concession on the Project Site to a non-governmental person or organization;

c. any sales contract or option to buy things attached to the Project Site to be severed from the Project Site, with a non-governmental person or organization;

d. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

e. a management contract of the Project Site with a non-governmental person or organization; and

f. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.

2. FCT Recipient agrees and acknowledges that the following transaction, events, and circumstances may not be permitted on the Project Site as they may have negative legal and tax consequences under Florida law and federal income tax law:

a. a sale of the Project Site or a lease of the Project Site to a non-governmental person or organization;

b. the operation of a concession on the Project Site by a non-governmental person or organization;

c. a sale of things attached to the Project Site to be severed from the Project Site to a non-governmental person or organization;

d. any change in the character or use of the Project Site from that use expected at the date of the issuance of any series of bonds from which the disbursement is to be made;

e. any use of the Project Site by non-governmental persons other than in such person's capacity as a member of the general public;

f. a management contract of the Project Site with a non-governmental person or organization; and

g. such other activity or interest as may be specified from time to time in writing by FCT to the FCT Recipient.

DELEGATIONS AND CONTRACTUAL ARRANGEMENTS BETWEEN THE FCT RECIPIENT AND OTHER GOVERNMENTAL BODIES, NOT FOR PROFIT ENTITIES, OR NON GOVERNMENTAL PERSONS FOR USE OR MANAGEMENT OF THE PROJECT SITE WILL IN NO WAY RELIEVE THE FCT RECIPIENT OF THE RESPONSIBILITY TO ENSURE THAT THE CONDITIONS IMPOSED HEREIN ON THE PROJECT SITE AS A RESULT OF UTILIZING BOND PROCEEDS TO ACQUIRE THE PROJECT SITE ARE FULLY COMPLIED WITH BY THE CONTRACTING PARTY.

V. CONDITIONS THAT ARE PARTICULAR TO THE PROJECT SITE AS A RESULT OF THE FCT APPROVED MANAGEMENT PLAN.

1. The FCT Recipient shall ensure that the public has adequate access to the Project Site for resource-based outdoor recreation to the extent that the Project Sites's natural resources are not adversely affected.

2. The timing and extent of a vegetative survey for the Project Site shall be as specified in the management plan to determine the measures the FCT Recipient must take to restore and/or preserve the Project Site.

3. The FCT Recipient shall ensure the preservation and proper management of the native vegetative communities occurring on the Project Site, particularly the xeric oak, dry prairie, hardwood hammock, and longleaf pine communities.

4. The FCT Recipient shall provide to FCT a detailed mitigation plan to restore the degraded wetland and former agricultural areas. An annual status summary on the wetland and upland mitigation activities, including an accounting of the mitigation credits that have been issued which relate to the Project Site, must be provided in the annual report.

5. The Project Site shall be managed in a manner that will optimize habitat conditions for the listed wildlife species that utilize or could potentially utilize the Project Site.

6. The FCT Recipient shall ensure that the surface water resources occurring on the Project Site shall be incorporated into the planned outdoor recreational facilities.

7. Wildlife observation facilities, hiking trails, and environmental education programs shall be incorporated into the Project Site management plan to the extent that such facilities and programs do not interfere with restoration efforts or adversely affect the natural resources occurring on the site.

THIS GRANT AWARD AGREEMENT embodies the entire Agreement between the parties.

IN WITNESS WHEREOF, the parties hereto have duly executed this Agreement.

Witness:

Janet L. Carr
Witness Name: JANET L. CARR
Arlene Arbiter
Witness Name: ARLENE ARBITER

ORANGE COUNTY, a political
subdivision of the
State of Florida,
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: Tom Staley
Its: VICE CHAIRMAN FOR THE COUNTY CHAIRMAN

Date: MAR 29 1994

Attest: [Signature]
Clerk

Accepted as to Legal Form and
Sufficiency:

Date: [Signature]

Witness:

Darrell K. Kurtz
Witness Name: DARRELL K. KURTZ
Rebecca H. Duffy
Witness Name: REBECCA H. DUFFY

OSCEOLA COUNTY, a political
subdivision of the
State of Florida,
BY ITS BOARD OF COUNTY
COMMISSIONERS

BY: Chuck Summitt
Its: Vice Chairman

Date: 3/28/94

Attest: [Signature]
Clerk

~~Accepted as to Legal Form and
Sufficiency~~

XXXXXXXXXXXXXXXXXXXXXXXXXXXX
Date: _____

FOR THE USE AND RELIANCE
OF OSCEOLA COUNTY ONLY
APPROVED AS TO FORM
3-28 1994

Neal D. Bowen
NEAL D. BOWEN
COUNTY ATTORNEY

FLORIDA COMMUNITIES TRUST

JANE R. BASS
Witness Name:

JANE R. BASS

Howard Douglas
Witness Name:

HOWARD DOUGLAS

Linda Loomis Shelley, Chair

Date:

March 25, 1994

Accepted as to Legal Form and
Sufficiency:

Ann J. Wild
Ann J. Wild, Trust Counsel

Date:

3-23-94

OR Bk 4721 Pg 2142
Orange Co FL 4826148

STATE OF FLORIDA
COUNTY OF LEON

25th The foregoing instrument was acknowledged before me this
day of March, 1994, by LINDA LOOMIS SHELLEY, as Chair of the Florida Communities Trust. She is personally known
to me.

Jane R. Bass
Notary Public

Print Name:

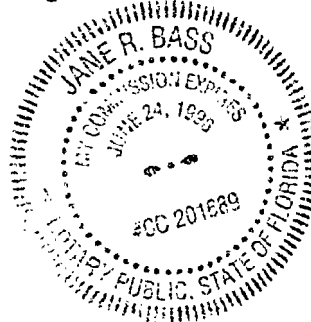
Jane R. Bass

Commission No.

ACC 211689

My Commission Expires:

6/24/96



GAA/009/P1A
FIN/3-21-94

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this
28th day of March, 1994, by Chuck Dunnick,
as Vice Chairman. He ~~is~~ is personally known to
me.

Beverly G. Downing
Notary Public
Print Name: _____
Commission No. _____
My Commission Expires: _____

BEVERLY G. DOWNING
Notary Public, State of Florida
My Commission Expires June 26, 1994
Commission #CC011804

STATE OF FLORIDA
COUNTY OF Orange

The foregoing instrument was acknowledged before me this
29th day of March, 1994, by Tom Haley,
as BCC Vice-Chairman. ~~He~~ She is personally known to
me.

Cynthia D. Samples
Notary Public
Print Name: CYNTHIA D. SAMPLES
Commission No. _____
My Commission Expires: _____

This instrument prepared by and
and should be returned to:
Ann J. Wild
Florida Communities Trust
2740 Centerview Drive
Tallahassee, FL 32399-2100

GAA/009/P1A
FIN/3-21-94

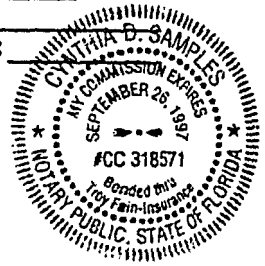


EXHIBIT A

LEGAL DESCRIPTION

All of the South $\frac{1}{2}$ of Section 27, Township 24 South, Range 31 East, less that portion thereof lying below the Meander line of Lake Hart established by U.S. Government Survey, Orange County, Florida.

All of Section 34, Township 24 South, Range 31 East.

The West $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 35, Township 24 South, Range 31 East.

And also, all property, if any, located in South $\frac{1}{2}$ of Section 27, Township 24 South, Range 31 East, lying lakeward of the U.S. Government Survey Meander Line for Lake Hart. Any such property rights shall remain and be appurtenant to the legal title to the real property lying contiguous to such lakeward property.

All in the Orange County, Florida.

OR Bk 4721 Pg 2144
Orange Co FL 4826148

TOGETHER WITH

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, and 64 in Section 3, Township 25 South, Range 31 East according to the NEW AND CORRECTED MAP OF NARCOOSSEE, as filed and recorded in the Office of the Clerk of the Circuit court of Osceola County, Florida, in Plat Book 1, Pages 73 and 74, Public Records of Osceola County, Florida; Together with all land adjoining the above described lots formerly shown as roads on said NEW AND CORRECTED MAP OF NARCOOSSEE which have heretofore been vacated, abandoned, closed and discontinued as public roads.

All in Osceola County, Florida.

RECORDED & RECORD EXAMINED
Martha T. Haynes
County Commissioner, Orange Co., FL

HCS#3
APPROVED BY THE BOARD OF COUNTY
COMMISSIONERS AT ITS MEETING

JUL 12 1994 *jc/jms*

Orange Co FL 5192626
04/08/95 02:55:36pm
OR Bk 4876 Pg 1083
Rec 33.00

CONTRACT#94-CT-07-91-1A-J1-009

FLORIDA COMMUNITIES TRUST
P1A AWARD# 91-009-P1A

AMENDMENT TO GRANT AWARD AGREEMENT
and
MODIFICATION OF INTERAGENCY AGREEMENT
FOR SPLIT OAK MITIGATION PARK

THIS AMENDMENT to Grant Award Agreement ("Agreement") is entered into this 16 day of March, 1995, by and between FLORIDA COMMUNITIES TRUST ("FCT") a nonregulatory agency within the State of Florida Department of Community Affairs, and ORANGE COUNTY, a political subdivision of the State of Florida and OSCEOLA COUNTY, a political subdivision of the State of Florida (hereinafter jointly referred to as "FCT Recipient").

THIS MODIFICATION of Interagency Agreement for Split Oak Mitigation Park ("Interagency Agreement") is entered into this 27th day of FEBRUARY, 1995 by and between ORANGE COUNTY, a political subdivision of the State of Florida ("Orange"), OSCEOLA COUNTY, a political subdivision of the State of Florida ("Osceola"), and FLORIDA GAME AND FRESHWATER FISH COMMISSION, a state agency existing under the Florida Constitution ("GFC").

WHEREAS, the Agreement imposed certain terms, conditions and restrictions on the use of the lands described therein and was dated April 4, 1994, and recorded in Official Records Book 4721, Page 2133, of the Public Records of Orange County, Florida, and recorded in Official Records Book 1180, Page 0078, of the Public Records of Osceola County Florida;

WHEREAS, the Interagency Agreement dated FEBRUARY 23, 1994 provided for the collection of environmental mitigation fees and the conveyance of conservation easements on the lands described therein; and

WHEREAS, the parties hereto desire to amend the Agreement and to modify the Interagency Agreement to exclude certain parcels of lands described herein from the provisions of the Interagency Agreement.

NOW THEREFORE, in consideration of the premises and the mutual covenants herein contained, the parties agree as follows:

GAAAMD/009/P1A
FIN/5-5-94

PLEASE RECORD AND RETURN TO SHERRY WILLIAMS HOOPER, ORANGE COUNTY DIVISION OF HEALTH AND
COMMUNITY SERVICES, 2100 East Michigan Street, Orlando, FL 32806

1. The Grant Award Agreement is hereby amended to add Section V. 8 to read as follows:

8. Those parcels of the Project Site as described in Exhibit "A" attached hereto and made a part hereof shall not be subject to collection of environmental mitigation fees or conveyance of conservation easements from FCT Recipient to the Florida Game and Freshwater Fish Commission under the terms of the Interagency Agreement for Split Oak Mitigation Park.

2. The last paragraph of Item 1.(A) of the Interagency Agreement for Split Oak Mitigation Park is hereby replaced, revised and superseded by the following:

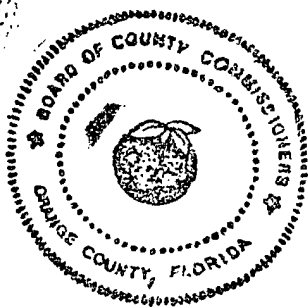
FCT uplands and wetlands are those areas described in Exhibit "A" attached to the Amendment to Grant Award Agreement and Modification of Interagency Agreement for Split Oak Mitigation Park and shall not be available for sale as mitigation.

3. The terms of this Amendment and Modification shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns.

4. Except as expressly set forth herein, the Grant Award Agreement and the Interagency Agreement for Split Oak Mitigation Park shall remain in full force and effect and are hereby ratified and confirmed as of the Amendment date.

IN WITNESS WHEREOF, the parties hereto have duly executed this Amendment and Modification.

Witness:



Witness Name: Sharon De Sha

Witness Name: Sharon De Sha

OR Bk 4876 Pg 1084
Orange Co FL 5192626

ORANGE COUNTY, a political
subdivision of the State of
Florida

BY ITS BOARD OF COUNTY
COMMISSIONERS

By: Tom Staley

Its Vice Chairman FOR THE COUNTY CHAIRMAN

Attest: [Signature]

Asst. Deputy Clerk

Accepted as to Legal Form and
Sufficiency: [Signature]

Date: 15 JUN 94

GAAAMD/009/P1A

FIN/5-5-94

Witness:

OSCEOLA COUNTY, a political
subdivision of the State of
Florida
BY ITS BOARD OF COUNTY
COMMISSIONERS

Witness Name: _____

By: [Signature]

Its:

Attest: [Signature]

Clerk

Witness Name: _____

FOR THE USE AND RELIANCE
OF OSCEOLA COUNTY ONLY
APPROVED AS TO FORM

10-3 1994

[Signature]
NEAL D. BOWEN
COUNTY ATTORNEY

FLORIDA GAME AND FRESHWATER
COMMISSION

By: [Signature]
Executive Director, Florida
Game and Freshwater Fish
Commission

Accepted as to Legal Form and
Sufficiency: [Signature]
Date: 2/21/95

OR Bk 4876 Pg 1085
Orange Co FL 5192626

FLORIDA COMMUNITIES TRUST

By: [Signature]
for Linda Loomis Shelley,
Chair

Accepted as to Legal Form and
Sufficiency: [Signature]
Date: 3-9-95

This instrument was prepared by Ann Wild, General Counsel for Florida Communities
Trust, 2740 Centerview Drive, Tallahassee, FL 32399-2100

GAAAMD/009/P1A
FIN/5-5-94

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 14th
day of July, 1994, by Tom Staley, as
vice Chairman. He/She is personally known to me.



TRISHA M. GRENELL
MY COMMISSION # CC316826 EXPIRES
September 16, 1997
BONDED THRU TROY FAIR INSURANCE, INC.

Trisham. Grenell
Notary Public

Print Name: Trisha M. Grennell

Commission No. CC316826

My Commission Expires: September 16, 1997

STATE OF FLORIDA
COUNTY OF OSCEOLA

The foregoing instrument was acknowledged before me this 3rd
day of October, 1994, by Charles Owen, as
Chairman. He/She is personally known to me.

NANCY DAVID
Notary Public State of Florida
My Comm. Exp. Jan 16, 1995
Commission # CC078010

Nancy David
Notary Public

Print Name: Nancy David

Commission No. CC078010

My Commission Expires: 1-16-95

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 27
day of February, 1994, by William C. Sumner, as
Asst. Dir. Director of the Florida Game and Freshwater Fish
Commission. He/She is personally known to me.



ROSEMARY MARA
MY COMMISSION # CC 153102 EXPIRES
October 20, 1995
BONDED THRU TROY FAIR INSURANCE, INC.

Rosemary Mara
Notary Public

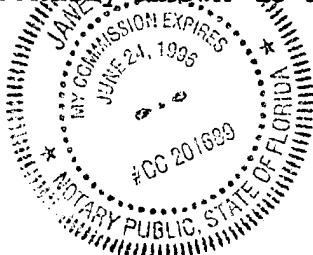
Print Name: _____

Commission No. _____

My Commission Expires: _____

STATE OF FLORIDA
COUNTY OF LEON

The foregoing instrument was acknowledged before me this 16th
day of MARCH, 1994, by MARY ANNE PRICE, as
Acting Chairman of Florida Communities Trust. He/She is
personally known to me.



Jane R. Bass
Notary Public

Print Name: Jane R. Bass

Commission No. # CC 201689

My Commission Expires: 6/24/95

GAAAMD/009/P1A
FIN/5-5-94

EXHIBIT "A"

A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 24 SOUTH, RANGE 31 EAST; AND IN SECTION 34, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 1°18'44" EAST, ALONG THE WEST LINE OF SAID SECTION 34, A DISTANCE OF 548.80' TO THE POINT OF BEGINNING; THENCE RUN NORTH 50°58'13" EAST, 293.24'; THENCE RUN NORTH 0°49'58" WEST, 983.60'; THENCE RUN NORTH 90°00'00" EAST, 1258.48'; THENCE RUN SOUTH 3°41'44" EAST, 2110.03'; THENCE RUN SOUTH 42°26'03" EAST, 1240.19'; THENCE RUN SOUTH 23°41'32" EAST, 532.68'; THENCE RUN SOUTH 0°04'43" EAST, 523.30'; THENCE RUN SOUTH 43°30'50" WEST, 730.53'; THENCE RUN SOUTH 90°00'00" WEST, 662.40'; THENCE RUN NORTH 0°00'00" EAST, 475.89'; THENCE RUN NORTH 44°39'47" EAST, 345.52'; THENCE RUN NORTH 6°46'03" WEST, 488.39'; THENCE RUN NORTH 48°31'29" WEST, 509.58'; THENCE RUN NORTH 68°02'54" WEST, 645.91'; THENCE RUN NORTH 0°51'35" WEST, 451.54'; THENCE RUN NORTH 65°20'55" EAST, 790.25'; THENCE RUN NORTH 77°53'12" WEST, 742.03'; THENCE RUN NORTH 61°32'36" WEST, 770.69' TO SAID WEST LINE OF SECTION 34; THENCE RUN NORTH 1°18'44" WEST ALONG SAID WEST LINE, 304.15' TO THE POINT OF BEGINNING.

AND A PARCEL OF LAND LYING IN SECTION 34, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 34 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 89°50'40" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 1089.16' TO A POINT OF BEGINNING; THENCE CONTINUE SOUTH 89°50'40" WEST, ALONG SAID SECTION LINE, A DISTANCE OF 1275.16'; THENCE RUN NORTH 0°45'24" WEST, 379.89'; THENCE RUN NORTH 70°24'18" EAST, 155.14'; THENCE RUN SOUTH 55°04'21" EAST, 351.79'; THENCE RUN SOUTH 41°10'37" EAST, 271.29'; THENCE RUN NORTH 19°56'52" EAST, 379.52'; THENCE RUN NORTH 14°21'35" WEST, 499.16'; THENCE RUN NORTH 6°15'00" WEST, 738.21'; THENCE RUN NORTH 64°07'22" EAST, 195.40'; THENCE RUN NORTH 90°00'00" EAST, 291.76'; THENCE RUN SOUTH 48°19'14" EAST, 186.09'; THENCE RUN SOUTH 14°25'49" EAST, 982.47'; THENCE RUN SOUTH 10°14'47" WEST, 616.85' TO THE POINT OF BEGINNING.

AND A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 25 SOUTH, RANGE 31 EAST, OSCEOLA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 3 FOR A POINT OF REFERENCE; THENCE RUN SOUTH 89°50'40" WEST, ALONG THE NORTH LINE OF SAID SECTION 3, A DISTANCE OF 1143.68' TO

THE POINT OF BEGINNING; THENCE RUN SOUTH 47°00'02" EAST, 612.20'; THENCE RUN SOUTH 44°05'56" EAST, 751.48'; THENCE RUN SOUTH 4°18'02" WEST, 264.61'; THENCE RUN SOUTH 54°30'22" WEST, 297.81'; THENCE RUN SOUTH 37°20'47" WEST, 435.79'; THENCE RUN SOUTH 72°02'17" WEST, 422.83'; THENCE RUN NORTH 77°22'10" WEST, 420.80'; THENCE RUN SOUTH 73°14'07" WEST, 504.78'; THENCE RUN NORTH 88°48'53" WEST, 350.58'; THENCE RUN NORTH 81°09'27" WEST, 248.19'; THENCE RUN NORTH 68°26'54" WEST, 119.13'; THENCE RUN NORTH 43°32'09" WEST, 179.86'; THENCE RUN NORTH 35°15'43" WEST, 106.33'; THENCE RUN NORTH 25°10'57" WEST, 137.06'; THENCE RUN NORTH 9°23'14" WEST, 95.11'; THENCE RUN NORTH 4°02'22" EAST, 178.59'; THENCE RUN NORTH 40°55'22" EAST, 662.17'; THENCE RUN NORTH 26°36'21" EAST, 251.18'; THENCE RUN NORTH 9°01'30" EAST, 329.93'; THENCE RUN NORTH 10°35'10" EAST, 122.69'; THENCE RUN NORTH 33°54'44" EAST, 57.23' TO SAID NORTH LINE OF SECTION 3; THENCE RUN NORTH 89°50'40" EAST, 1152.76' TO THE POINT OF BEGINNING.

AND A PARCEL OF LAND LYING IN SECTION 3, TOWNSHIP 25 SOUTH, RANGE 31 EAST, OSCEOLA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 3 FOR A POINT OF REFERENCE; THENCE RUN NORTH 00°06'49" WEST, ALONG THE EAST LINE OF SAID SECTION 3, A DISTANCE OF 16.50' TO THE NORTH RIGHT-OF-WAY LINE OF CYRILS DRIVE AND THE POINT OF BEGINNING; THENCE RUN SOUTH 89°59'03" WEST, ALONG SAID NORTH RIGHT-OF-WAY LINE, 1023.18'; THENCE RUN NORTH 29°39'09" WEST, 1694.05'; THENCE RUN NORTH 22°05'21" WEST, 957.99'; THENCE RUN NORTH 6°01'34" EAST, 378.36'; THENCE RUN NORTH 66°18'50" EAST, 250.28'; THENCE RUN SOUTH 78°05'33" EAST, 352.47'; THENCE RUN SOUTH 42°43'54" EAST, 508.69'; THENCE RUN NORTH 75°26'22" EAST, 295.46'; THENCE RUN NORTH 65°30'14" EAST, 224.38'; THENCE RUN SOUTH 68°41'18" EAST, 209.14'; THENCE RUN SOUTH 6°20'31" EAST, 275.60'; THENCE RUN SOUTH 18°48'21" WEST, 481.15"; THENCE RUN SOUTH 87°02'52" EAST, 414.43'; THENCE RUN SOUTH 28°49'05" EAST, 231.58'; THENCE RUN NORTH 89°53'12" EAST, 173.71' TO SAID EAST LINE OF SECTION 3; THENCE RUN SOUTH 00°06'49" EAST, ALONG SAID EAST LINE, 1528.06' TO THE POINT OF BEGINNING.

AND A PARCEL OF LAND LYING IN SECTION 27, TOWNSHIP 24 SOUTH, RANGE 31 EAST, ORANGE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 27 FOR A POINT OF REFERENCE; THENCE RUN NORTH 3°45'19" EAST, ALONG THE EAST LINE OF SAID SECTION 27, A DISTANCE OF 397.90' TO A POINT OF BEGINNING; THENCE RUN NORTH 70°07'43" WEST, 2124.44'; THENCE RUN NORTH 1°36'37" WEST, 727.35'; THENCE RUN SOUTH 25°34'58" EAST, 246.37'; THENCE RUN SOUTH 33°26'53" EAST, 154.18'; THENCE RUN SOUTH 68°03'41" EAST, 135.79'; THENCE RUN NORTH 58°59'36" EAST, 157.57'; THENCE RUN NORTH 52°42'32" EAST,

244.28'; THENCE RUN NORTH 64°52'58" EAST, 93.61'; THENCE RUN NORTH 87°44'58" EAST, 39.70'; THENCE RUN NORTH 46°50'06" EAST, 83.00'; THENCE RUN NORTH 5°09'29" EAST, 109.79'; THENCE RUN NORTH 19°53'43" EAST, 136.85'; THENCE RUN NORTH 35°43'03" EAST, 430.45'; THENCE RUN NORTH 86°54'38" EAST, 125.15'; THENCE RUN SOUTH 17°24'34" EAST, 123.72'; THENCE RUN SOUTH 68°23'03" EAST, 180.13'; THENCE RUN SOUTH 40°13'48" EAST, 204.65'; THENCE RUN NORTH 37°32'49" EAST, 213.99'; THENCE RUN NORTH 3°04'43" EAST, 272.56'; THENCE RUN NORTH 34°40'14" EAST, 94.67'; THENCE RUN SOUTH 86°41'39" EAST, 242.57'; THENCE RUN SOUTH 38°27'30" EAST, 173.39' TO SAID EAST LINE OF SECTION 27; THENCE RUN SOUTH 3°45'19" WEST, 2002.67' ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

DR Bk 4876 Pg 1089
Orange Co FL 5192626

Record Verified - Martha O. Haynie

RESOLUTION
of the
ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS
regarding
**SUPPORT OF THE CENTRAL FLORIDA EXPRESSWAY (CFX)
AUTHORITY PREFERRED ALTERNATIVE FOR THE
OSCEOLA PARKWAY EXTENSION PROJECT
DEVELOPMENT AND ENVIRONMENT (PD&E) STUDY RE-
EVALUATION AND PETITIONING THE FLORIDA
COMMUNITIES TRUST FOR A MODIFICATION OF THE
GRANT AWARD AGREEMENT, INTERAGENCY AGREEMENT,
AND MANAGEMENT PLAN**

Resolution No. 2019-M-50

WHEREAS, Orange County approved an Interagency Agreement for Split Oak Forest Mitigation Park Project (Project) (now known as Split Oak Forest Wildlife and Environmental Area (Split Oak)) with Osceola County and the Florida Game and Freshwater Fish Commission (now known as the Florida Fish and Wildlife Conservation Commission) in December 1991 (Interagency Agreement); and,

WHEREAS, the Interagency Agreement resulted in an application to the Florida Communities Trust (FCT), which resulted in the award of loans and grants to both counties (FCT Recipients) to acquire certain properties for conservation and established funds to help manage the proposed Project; and,

WHEREAS, the FCT Recipients were required to place conservation easements over their respective portions of the Project; and,

WHEREAS, Split Oak is managed by the Florida Fish and Wildlife Conservation Commission, who was required to develop and adopt a Management Plan; and,

WHEREAS, the Grant Award Agreement was issued to Orange and Osceola counties in April 1994 and provides that the Grant Award Agreement may be amended at any time, if agreed to by both the FCT Recipients and FCT; and

WHEREAS, Section 704.06(11), Florida Statutes, provides that the owner of a conservation easement over land may allow for the operation of linear facilities, including public transportation corridors; and,

WHEREAS, Rule 62-818.015, Florida Administrative Code, acknowledges that the FCT “periodically receives requests for Management Plan modifications to allow linear facilities and related appurtenances on the Trust Project Site” and provides the process for requesting those modifications; and,

WHEREAS, the Osceola County Expressway Authority (OCX) completed the original PD&E Study for an extension of Osceola Parkway that had significant impacts to the environment in May 2017, including portions of the project that were located in Orange County’s portion of the conservation easement; and

WHEREAS, CFX completed the Concept, Feasibility & Mobility Studies for the four OCX Master Plan segments, including Poinciana Parkway Extension, Southport Connector Expressway, Northeast Connector Expressway and Osceola Parkway Extension in March 2018; and

WHEREAS, the CFX Board voted to move forward with the PD&E Studies for the Poinciana Parkway Extension and the Osceola Parkway Extension Re-evaluation in March 2018; and

WHEREAS, CFX, after evaluating all reasonable and foreseeable alternatives and receiving extensive public input, has identified a Preferred Alternative for the Osceola Parkway Extension project as part of the PD&E Re-evaluation study that no longer contains any direct impact to the conservation easement lands located in Orange County; and

WHEREAS, the CFX Preferred Alternative minimizes impacts to existing and planned residences and the environment in the area, and includes the use of approximately 60 acres, more or less, of the Split Oak Property located exclusively within Osceola County for linear facilities as part of the Osceola Parkway Extension project; and

WHEREAS, CFX has a signed agreement with certain landowners to place an additional 1,550 acres into conservation in which approximately 968 acres are located within Orange County and approximately 582 acres are located within Osceola County as part of the Osceola Parkway Extension project; and

WHEREAS, Orange County now petitions the FCT for a modification to the Interagency Agreement, Management Plan, and Grant Award Agreement.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Preferred Alternative. The County approves, based on the minimized impact to residences and the environment in the area, of the use of approximately 60 acres, more or less, of the Split Oak Property with such 60 acres located exclusively within Osceola County for linear facilities, for the Osceola Parkway Extension project.

Section 2. Florida Communities Trust. The County approves the submittal of a request to the Florida Communities Trust for the modification of the Interagency Agreement, Management Plan, and Grant Award Agreement to allow for the use of approximately 60 acres, more or less, of the Split Oak Property with such 60 acres located exclusively within Osceola County for linear facilities as part of the Osceola Parkway Extension project.

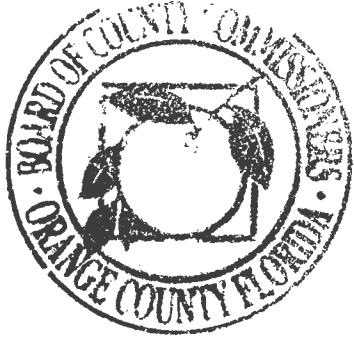
Section 3. Additional Conservation Lands. The approvals in Section 1, 2, and 5 are contingent on execution of an interagency agreement and adoption of a management plan, or modification of the existing Interagency Agreement and Management Plan, for the additional 968 acres to be placed into conservation in Orange County.

Section 4. Delegation to Staff. The County approves the delegation to staff for the coordination with Osceola County government and CFX for the submission described above to the Florida Communities Trust.

Section 5. Conveyance of Land. The County approves the conveyance, contingent upon approval by the Florida Communities Trust and the Osceola County Board of County Commissioners, of any and all necessary easements to CFX required for the use of the approximately 60 acres, more or less, of the Split Oak Property with such 60 acres located exclusively within Osceola County for a linear facility as part of the Osceola Parkway Extension project.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

ADOPTED THIS ____ DAY OF DEC 17 2019, 20__.



ORANGE COUNTY, FLORIDA

By: Board of County Commissioners

By: *Brynn Brooks*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

By: *Craig A. Stopynka*
for Deputy Clerk



December 13, 2019

Memo

To: Split Oak Committee Members

From: Patrick Brackins

CC: Katie Smith

Re: Research Questions

Committee Members-

At the December 6, 2019, meeting of the Split Oak Committee, general counsel was tasked with researching and answering three questions, which are as follows:

- 1) Is the State of Florida permitted to take conservation land via eminent domain?

ANSWER: No. However, that prohibition is not applicable to traffic corridors, linear facilities, and telecommunications facilities.

A conservation easement, similar to the Grant Award Agreement for Split Oaks, is “a right or interest in real property which is appropriate to retaining land or water areas predominately in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses; and which prohibits or limits” a number of activities and development on the land as set forth in FLA. STAT. 704.06(1)(a)-(h). Pursuant to FLA. STAT. § 704.06(2), conservation easements generally may not be acquired “**by condemnation or by other exercise of the power of eminent domain.**” A copy of Fla. Stat. 704.06 is attached hereto as **Exhibit A**.

2300 Maitland Center Parkway, Suite 100, Maitland, FL 32751
T: (407) 622-1772 W: WWW.SHEPARDFIRM.COM

However, the conservation easement statute permits owners of land burdened with a conservation easement to negotiate for the sale or utilization of the encumbered land “for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunication transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances.” Fla. Stat. § 704.06(11). Furthermore, the statute expressly excepts the above activities, purposes, and uses from its eminent domain prohibition. *Id.* Accordingly, while conservation easements are generally not subject to eminent domain, they do not prohibit the Department from taking lands burdened by easements for the purpose of constructing transportation corridors. On the other hand, commercial development would not be excluded from prohibition on eminent domain.

- 2) Is it possible to draft language in the charter amendment that would allow the County to settle eminent domain cases without weakening the protections provided?

ANSWER: Yes, because of the protections afforded by the conservation easement statute, the property is only subject to eminent domain for limited public purposes. Therefore, any eminent domain action on the property by the state or federal government should be limited to those public purposes provided in Fla. Stat. 704.06(11).

- 3) Can we include a provision that requires two successful, successive referendums before allowing the Split Oaks charter protections to be removed from the Charter (assuming they pass)?

ANSWER: No.

Our research has not located any county or municipal charters in Florida which contain double referendum requirements - holding two elections - before a charter may be amended. To the contrary, Florida’s Constitution, Statutes, and case law indicate that only a single referendum is required to amend a charter and such referendum may only be held when provided for by act of the Legislature. Article VI § 5(a) of the Florida Constitution provides that “special elections and referenda shall be held as provided by law.” *Id.* (emphasis added). “As provided by law” means an enactment by the Legislature – not any act of a county or city. *Grapeland Heights Civic Ass’n v. Miami*, 267 So. 2d 321, 324 (Fla. 1972); *see also* AGO 2009-22 (opining that the “term ‘law’ or ‘by law’ means an enactment of the State Legislature, not a municipality, county, or any other political body.”). Thus, the Florida Constitution asks the Legislature to decide when referendums may be exercised. The Legislature provides that county charters must be

adopted by referendum and then may only be amended by referendum. “Such charter, once adopted by the electors, may be amended only by the electors of the county.” FLA. STAT. § 125.64(2). **Accordingly, as the Florida Constitution permits referenda only as provided by the Legislature, and the Legislature has determined that a county charter may be amended by a referendum, a charter amendment requiring *two referendums* before an amendment is effective would appear to violate the Florida Constitution and the authority given to the County to amend its charter under FLA. STAT. 125.64(2).**

Fla. Stat. § 704.06

Current through the 2019 Session of the Florida Legislature.

LexisNexis® Florida Annotated Statutes > Title XL. Real and Personal Property. (Chs. 689 — 723) > Chapter 704. Easements (§§ 704.01 — 704.08)

§ 704.06. Conservation easements; creation; acquisition; enforcement.

(1) As used in this section, “conservation easement” means a right or interest in real property which is appropriate to retaining land or water areas predominantly in their natural, scenic, open, agricultural, or wooded condition; retaining such areas as suitable habitat for fish, plants, or wildlife; retaining the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance; or maintaining existing land uses and which prohibits or limits any or all of the following:

- (a) Construction or placing of buildings, roads, signs, billboards or other advertising, utilities, or other structures on or above the ground.
- (b) Dumping or placing of soil or other substance or material as landfill or dumping or placing of trash, waste, or unsightly or offensive materials.
- (c) Removal or destruction of trees, shrubs, or other vegetation.
- (d) Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface.
- (e) Surface use except for purposes that permit the land or water area to remain predominantly in its natural condition.
- (f) Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
- (g) Acts or uses detrimental to such retention of land or water areas.
- (h) Acts or uses detrimental to the preservation of the structural integrity or physical appearance of sites or properties of historical, architectural, archaeological, or cultural significance.

(2) Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in any deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking. Such easements may be acquired in the same manner as other interests in property are acquired, **except by condemnation or by other exercise of the power of eminent domain**, and shall not be unassignable to other governmental bodies or agencies, charitable organizations, or trusts authorized to acquire such easements, for lack of benefit to a dominant estate.

(3) Conservation easements may be acquired by any governmental body or agency or by a charitable corporation or trust whose purposes include protecting natural, scenic, or open space values of real property, assuring its availability for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving sites or properties of historical, architectural, archaeological, or cultural significance.

(4) **Conservation easements shall run with the land and be binding on all subsequent owners of the servient estate. Notwithstanding the provisions of s. 197.552, all provisions of a conservation easement shall survive and are enforceable after the issuance of a tax deed. No conservation easement shall be unenforceable on account of lack of privity of contract or lack of benefit to particular land or on account of the benefit being assignable. Conservation easements may be enforced by injunction or proceeding in equity or at law, and shall entitle the holder to enter the**

land in a reasonable manner and at reasonable times to assure compliance. A conservation easement may be released by the holder of the easement to the holder of the fee even though the holder of the fee may not be a governmental body or a charitable corporation or trust.

(5) All conservation easements shall be recorded and indexed in the same manner as any other instrument affecting the title to real property.

(6) The provisions of this section shall not be construed to imply that any restriction, easement, covenant, or condition which does not have the benefit of this section shall, on account of any provision hereof, be unenforceable.

(7) Recording of the conservation easement shall be notice to the property appraiser and tax collector of the county of the conveyance of the conservation easement.

(8) Conservation easements may provide for a third-party right of enforcement. As used in this section, third-party right of enforcement means a right provided in a conservation easement to enforce any of its terms granted to a governmental body, or charitable corporation or trust as described in subsection (3), which although eligible to be a holder, is not a holder.

(9) An action affecting a conservation easement may be brought by:

- (a) An owner of an interest in the real property burdened by the easement;
- (b) A holder of the easement;
- (c) A person having a third-party right of enforcement; or
- (d) A person authorized by another law.

(10) The ownership or attempted enforcement of rights held by the holder of an easement does not subject the holder to any liability for any damage or injury that may be suffered by any person on the property or as a result of the condition of the property encumbered by a conservation easement.

(11) Nothing in this section or other provisions of law shall be construed to prohibit or limit the owner of land, or the owner of a conservation easement over land, to voluntarily negotiate the sale or utilization of such lands or easement for the construction and operation of linear facilities, including electric transmission and distribution facilities, telecommunications transmission and distribution facilities, pipeline transmission and distribution facilities, public transportation corridors, and related appurtenances, nor shall this section prohibit the use of eminent domain for said purposes as established by law. In any legal proceeding to condemn land for the purpose of construction and operation of a linear facility as described above, the court shall consider the public benefit provided by the conservation easement and linear facilities in determining which lands may be taken and the compensation paid.

(12) An owner of property encumbered by a conservation easement must abide by the requirements of chapter 712 or any other similar law or rule to preserve the conservation easement in perpetuity.

(13) A conservation easement agreement may include provisions which allow agricultural activities, including, but not limited to, silviculture, forestry management, and livestock grazing, if such activity is a current or historic use of the land placed under easement. If such agricultural activities are allowed under the terms of the agreement, such activities must be conducted in accordance with applicable best management practices adopted by the Department of Agriculture and Consumer Services. This subsection does not restrict or diminish the authority granted in a previous conservation easement agreement for forest management and livestock grazing as a compatible use on lands subject to a conservation easement.

History

S. 1, ch. 76-169; s. 1, ch. 86-44; s. 74, [ch. 93-206](#); s. 17, [ch. 97-164](#); s. 7, [ch. 2007-204](#), eff. July 1, 2007; s. 3, [ch. 2009-157](#), eff. June 10, 2009; s. 5, [ch. 2016-88](#), eff. July 1, 2016.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

April 20, 2020

Committee Recommendation

Citizen-Initiated Charter and Ordinance Amendment Process Committee

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn

Summary of Recommendation

On October 22, 2019, Member Samuel Vilchez Santiago submitted a proposal to the 2020 Orange County Charter Review Commission (the "CRC") to establish a subcommittee to evaluate (1) lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and (2) lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal. Generally, the proposal sought establishment of a subcommittee to study Sections 601 and 602 of the Orange County Charter and to make appropriate recommendations to the CRC.

On November 6, 2019, following a motion and second by Members Vilchez Santiago and Stoccardo, respectively, the CRC voted 8 to 5 to establish the Citizen-Initiated Charter and Ordinance Amendment Process as an evaluation topic by the CRC. By a vote of 12 to 1, the CRC voted to establish the Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee to study this topic and make appropriate recommendations to the full CRC.

Beginning on November 20, 2019, the Citizen-Initiated Charter and Ordinance Amendment Process Committee (the "Committee") held six public meetings to hear public input and consider the proposal. The Committee reviewed: Member Vilchez Santiago's proposal; the work product created by and conclusions of the 2016 Orange County Charter Review Commission, whose successful 2016 Charter amendments are under review; a memorandum and timeline prepared by the Orange County Supervisor of Elections; and

memorandums prepared by the General Counsel. The Committee heard from members of the public and invited guests, including Orange County Commissioner Emily Bonilla, Emmett O'Dell, Co-President of the League of Women Voters of Orange County, Dr. Gloria Pickar, and Member Vilchez Santiago.

On January 8, 2020, the Committee voted 5-0 to recommend to the CRC that it take no action on Member Vilchez Santiago's proposal to lower the threshold for petition signature percentages for placing citizen's initiated charter amendments or ordinance amendments, enactments or repeals on the ballot. The Committee further voted 5-0 to request authority from the full CRC to look at all aspects of the current 180-day timeline restrictions contained in the Charter. On January 9, 2020, the CRC received the Committee's request and, on February 5, 2020, the full CRC voted to approve the Committee's request. On February 19, 2020, the Committee voted 3 to 1 to rescind its earlier decision to recommend no action be taken with respect to the percentages necessary to place citizen's initiated charter amendments and ordinance enactments, amendments, or repeals on the ballot. On March 11, 2020, the Committee agreed not to further pursue the petition threshold percentages currently contained in the Charter.

On April 16, 2020, based upon the information and comments received, the Committee voted unanimously to recommend the full CRC adopt a Ballot Title, Summary and Text amendment prepared by General Counsel to suspend the one hundred and eighty (180) day time period in the Charter for obtaining necessary signatures pending completion of the mandatory reviews and procedures outlined in Sec. 602.E of the Charter, and to set a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the Orange County Board of County Commissioners, the Orange County Comptroller and the Legal Review Panel under Sec. 602.E.(1) of the Charter in order to give petitioners the benefit of a full one hundred and eighty (180) days to gather necessary signatures.

Reasons for Recommendation

1. The 2016 Charter Amendment Approved by Orange County Voters Does Not Provide Petitioners With Sufficient Time to Gather Signatures.

While the intent of the 2016 Charter Amendments appears to have been to give prospective petitioners a full one hundred and eighty (180) days to gather necessary signatures, in practice, the mandatory review of proposals by the Supervisor of Elections, the Comptroller, and the Legal Review Panel takes up much of that time, during which signatures cannot continue to be gathered. This problem is easily remedied by suspending the one hundred and eighty (180) day time frame while the mandatory reviews are undertaken and by providing a deadline for the Supervisor of Elections to notify the identified bodies when the petitioner has reached the 1% threshold for required signatures.

2. Insufficient Information Establishing that the Percentage of Required Signatures in Each District is Unduly Burdensome.

While the Committee received comments asserting that the percentage of signatures required under the 2016 Charter Amendment is too restrictive, Orange County voters overwhelming approved those requirements. The Committee did not receive sufficient information showing that lowering the percentage thresholds is necessary or warranted at this time.

Argument Against Recommendation

1. Without Easing the Percentage of Required Signatures in Each District, the Proposal Does Not Address the Problem.

Some invited guests argued that the main problem with the 2016 Charter Amendments are the percentages of signatures required in each district. While suspending the one hundred and eighty (180) days helps prospective petitioners, it does not address what some believed is the main problem.

Committee Recommendation

After careful consideration of the information presented, Member Miller made a motion, which was seconded by Member Wynn, to recommend that the attached draft Ballot Title, Summary and Text of the proposed charter amendment be forwarded to the full CRC for its consideration. The motion carried unanimously. Based on the foregoing, **the Committee recommends that the attached draft amendment to the Orange County Charter, including Ballot Title and Summary, be made with respect to the approved evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process.**

Exhibits:

Proposed Amendment, Ballot Title and Summary

All Committee Minutes

All legal memoranda provided by the General Counsel

Member Vilchez Santiago's proposal

November 6, 2019 Correspondence from the League of Women Voters of Orange County

January 24, 2020 Memorandum from Chair Soraya Smith to the 2020 Charter Review Commission

Ballot Title, Summary and Proposed Amendment – Citizen Initiatives

A. Introduction.

This Charter amendment would suspend the one hundred and eighty (180) day time period for the gathering of petition signatures during the completion of the reviews and procedures required by Sec. 602.E. of the Charter and set a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the County Commission, the Comptroller and Legal Review Panel under Sec. 602.E.(1) of the Charter. The intent is to give petitioners a full one hundred and eighty (180) days to gather the necessary signatures.

B. Ballot Proposal: The ballot title and question for Question #__ are as follows:

SUSPENDING TIME FOR GATHERING
PETITION SIGNATURES DURING
MANDATORY REVIEWS AND SETTING
DEADLINE FOR 1% NOTIFICATION

Shall the charter be amended by suspending the one hundred eighty (180) day time period for gathering signatures during mandatory reviews and procedures specified under Sec. 602.E. of the Charter and setting a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the County Commission, the Comptroller and Legal Review Panel under Sec. 602.E.(1) of the Charter?

Comptroller estimated financial impact: _____.

_____ Yes

_____ No

C. Text Revisions: Article VI, Sec. 602.A. and Sec. 602.E.(1) of the Orange County Charter are amended as follows:

(Underline text is added to the charter).

Sec. 602. - Procedure for initiative and referendum.

A. *Initiation and overview of process.* The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. Concurrent with this submission, the sponsor of an initiative petition shall

prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one (1) subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. The one hundred eighty day (180) period shall be suspended and shall not recommence until the completion of all reviews and procedures required by Sec. 602.E. (legal review, financial impact statement, revised petition, sufficiency determination by supervisor of elections and public hearing). In the event sufficient signatures are not submitted during that one-hundred-eighty-day period (as extended by any suspension of same during the reviews and procedures required by Sec. 602.E.), the petition drive shall be rendered null and void and none of the signatures may be carried over onto another petition. If sufficient signatures are obtained submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

E. Legal review, financial impact; public hearing.

1. *One (1) percent threshold.* Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall have ten (10) days to so notify the board, the comptroller and the legal review panel.

D. Effective Date. This amendment shall become effective upon passage, which is the date certified by the Supervisor of Elections and shall not require further enabling legislation by the Orange County Board of County Commissioners.

Financial Analysis and Impact:

Based on information provided by the Comptroller's Office, the cost of the proposed amendment is approximately _____, which represents _____.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Citizen-Initiated Charter and Ordinance Amendment Process Committee

November 20, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn
Clifford Shepard, CRC Attorney
Noelia Perez, Senior Minutes Coordinator

Invited Guest:

Emmett O'Dell

The organizational meeting of the Citizen-Initiated Charter and Ordinance Amendment Process Committee was held to identify related issues and to address any member questions.

Public Comment

The following persons addressed the committee:

- Emmett O'Dell
- Camille Evans

Invited Guest

Mr. O'Dell addressed the committee and provided his experience and perspective related to the history and current requirements of the citizen initiated process. Discussion ensued. CRC Attorney Shepard contributed to the discussion.

Background Information and Current Charter Provisions

Chair Smith asked CRC Attorney Shepard to provide an overview regarding the Background of Changes to Article VI of the Charter memo submitted prior to the meeting. CRC Attorney Shepard will provide a more in depth explanation at the next committee meeting. Discussion ensued.

Members Open Discussion

Chair Smith opened the floor for member discussion. Chair Smith referred to Member Santiago's Citizen-Initiated Charter and Ordinance Amendment Process Proposal as it relates to lowering the petition threshold count for citizen initiated Charter amendments and repeals and ordinance

amendments, enactments and repeals. Chair Smith reiterated the potential topics for further research included in Member Santiago's proposal.

Chair Smith explained that it would be valuable to receive information from the Supervisor of Elections as to what has occurred in the past. Member Miller provided remarks regarding the importance of reviewing the work product and conclusions of the 2016 CRC committee that studied this topic. CRC Attorney Shepard advised that he could provide a full copy of the report. Discussion ensued. CRC Attorney Shepard advised he would contact the Supervisor of Elections. Further discussion ensued.

Member Melvin questioned, in terms of invited guests, whether there are any groups of people who have ideas or would like to do citizen initiatives but the current process stopped them. Member Wynn suggested that the committee invite the Supervisor of Elections to address them at an upcoming meeting. Chair Smith advised that this is already in the works.

Chair Smith asked a question related to Section 601 – Initiative and Referendum of the Orange County Charter. Discussion ensued. CRC Attorney Shepard contributed to the discussion.

Future Action Plan

Chair Smith invited committee members to email the Charter account if there are any individuals they would like to invite as a guest speaker at an upcoming meeting. Chair Smith asked committee members to review the memo provided by CRC Attorney Shepard and reiterated that he will provide a more in depth explanation at the next committee meeting.

The next scheduled committee meeting will be held on Tuesday, December 10, 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

Citizen-Initiated Charter and Ordinance Amendment Process Committee

December 10, 2019
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn (via telephone)
Clifford Shepard, CRC General Counsel
Noelia Perez, Senior Minutes Coordinator

Invited Guests:

Dr. Gloria Pickar, League of Women Voters of
Orange County Co-President
Samuel Vilchez Santiago, CRC Member

The Citizen-Initiated Charter and Ordinance Amendment Process Committee meeting was held to further identify related issues and to address any member questions.

Invited Guests

Dr. Pickar presented an introduction to Orange County's League of Women Voters. Dr. Pickar advised the Orange County League has not studied this particular issue in depth but stated that the current process is too restrictive. Dr. Pickar pointed out areas where the Orange County League supports the current process and areas where they feel revisions are needed. The committee members asked various questions regarding Dr. Pickar's remarks. Discussion ensued.

CRC Member Vilchez Santiago addressed several questions raised by various members at the last committee meeting regarding his proposal. Discussion ensued amongst Member Vilchez Santiago and the committee members. General Counsel Shepard contributed to the discussion.

Public Comment

The following persons addressed the committee:

- Carmen Torres
- Eugene Stoccardo

Committee Chair Comments

Chair Smith provided an update regarding her meeting with Supervisor of Elections Cowles related to his Orange County Initiative Petition History memorandum and attachments provided on December 2, 2019. Discussion ensued. General Counsel Shepard contributed to the discussion.

General Counsel Continued Discussion from November 20, 2019

General Counsel Shepard provided the committee with a mathematical comparison of the number of citizen initiative petition attempts made prior to and after 2016. General Counsel Shepard advised that only one of the six petitions attempted prior to 2016 made it to the ballot. General Counsel Shepard referenced an article that was previously distributed to the committee members related to a current proposed Florida Constitutional amendment. Discussion ensued.

Members Open Discussion

Member Miller questioned whether the committee can determine why prior citizen initiative attempts were unsuccessful based upon the information they've been presented thus far. Discussion ensued. Members Miller and Douglas agreed that the committee needs to bring the topic back to the full CRC if the committee would like to consider topics other than petition thresholds.

Future Action Plan

Chair Smith asked the members to think about what the committee was initially charged with and whether the committee should get more specific and bring the topic back to the full CRC. The committee will discuss this and take up a motion at the next committee meeting in January.

The next scheduled committee meeting will be held on January 8, 2020 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

Citizen-Initiated Charter and Ordinance Amendment Process Committee

January 08, 2020
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn
Clifford Shepard, CRC General Counsel
Lakela Louis, Senior Minutes Coordinator

The Citizen-Initiated Charter and Ordinance Amendment Process Committee meeting was held to further identify related issues and to address any member questions.

Public Comment

No members of the public addressed the committee during public comment.

Chair Comments

Chair Smith reminded committee members the original request of the committee was to review the petition threshold percentage and to determine whether the percentage should be adjusted related to the citizen-initiated Charter and Ordinance amendment process. Chair Smith discussed committee deadlines. General Counsel Shepard contributed to the discussion.

Members Open Discussion

Chair Smith expressed her thoughts concerning the committee making a decision regarding the petition threshold percentage today, and then decide whether they should take a look at the process as a whole. General Counsel Shepard and committee members contributed to the discussion.

Committee Vote:

Motion/Second: Members Miller / Melvin

AYE (voice vote): Chair Smith; Members Douglas, Melvin, Miller and Wynn

Action: The committee moved to take no action on what has been presented to the committee regarding the percentages necessary to bring referendum or initiative.

Motion/Second: Member Douglas / Chair Smith

AYE (voice vote): Chair Smith; Members Douglas, Melvin and Wynn

NAY (voice vote): Member Miller

Action: The committee moved to request authority from the full commission tomorrow to look at all aspects of the 180 day time limitation as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative.

Future Action Plan

Member Douglas questioned whether a motion should be made to request General Counsel to proceed with providing the background paperwork and final report for the next committee meeting. Chair Smith reiterated that General Counsel Shepard will be at tomorrow's meeting, and if the motion does not pass, then General Counsel will not need to develop language regarding the 180 day time limitation.

Member Miller requested that General Counsel provide the pros and cons in the final report if the committee is given the authority to expand their scope of work related to the 180 day time limitation.

The committee will schedule their next meeting at a future 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/>.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Committee Summary Report

Citizen-Initiated Charter and Ordinance Amendment Process Committee

February 19, 2020
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Soraya Smith, Chair
Angela Melvin
Jeffrey A. Miller
Dotti Wynn
Patrick Brackins, CRC General Counsel
Lakela Louis, Senior Minutes Coordinator

Absent Member:

Jack Douglas

Invited Guest:

BCC District 5 Commissioner Emily Bonilla

The Citizen-Initiated Charter and Ordinance Amendment Process Committee met to discuss the 180-day timeline limitation and proposed ballot title, summary and amendment language.

Invited Guest

Commissioner Emily Bonilla shared her experience regarding the citizen initiative petition process and spoke in favor of amending the Charter to remove perceived barriers. Discussion ensued.

Public Comment

No members of the public addressed the committee during public comment.

Members Open Discussion

The committee members discussed the petition timeline as provided in Supervisor of Elections Cowles' Orange County Initiative Petition History memorandum and attachments dated December 2, 2019. Discussion ensued. General Counsel Brackins contributed to the discussion.

The committee requested General Counsel provide a memorandum clarifying what decision, if any, the Board of County Commissioners (BCC) makes when the sponsor meets the 1% threshold and the Supervisor of Elections notifies the BCC of same. This request arose from the timeline provided by the Supervisor of Elections, which provides: "Upon reaching the 1% threshold, the

SOE shall notify the board. The board shall render its decision within twenty days after notification.” Discussion ensued.

General Counsel Present Proposed Language

General Counsel Brackins presented the proposed ballot title, summary and amendment language. Discussion ensued. Member Melvin requested that the proposed language utilizing the term “toll,” “tolled,” or “tolling” be amended by adding synonymous terms that are more easily understood by the general public. No other changes were requested as the committee’s discussion focused on whether to consider expanding or including additional areas of concern related to the citizen initiative process.

Committee Vote

Motion/Second: Chair Smith / Member Wynn

AYE (voice vote): Chair Smith; Members Melvin and Wynn

NAY (voice vote): Member Miller

Absent: Member Douglas

Action: The committee moved to rescind the committee’s prior vote taken on January 8, 2020 to recommend no action be taken on what has been presented to the committee regarding the percentages necessary to place a citizen-initiative Charter amendment on the ballot.

Future Action Plan

Member Miller questioned whether the committee should examine potential issues with the citizen initiative process beyond the 180-day time period. Discussion ensued regarding all aspects of the citizen initiative process provided in the Charter. The committee questioned the BCC’s role in the citizen initiative process.

The committee will schedule their next meeting at a future date. Supporting materials, including the meeting notice, agenda 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

Citizen-Initiated Charter and Ordinance Amendment Process Committee

March 11, 2020
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn
Clifford Shepard, CRC General Counsel
Jennifer Lara-Klimetz, Assisting CRC as Staff

The Citizen-Initiated Charter and Ordinance Amendment Process Committee met to discuss the citizen initiative process and proposed ballot title, summary and amendment language.

Public Comment

No members of the public addressed the committee during public comment.

Members Open Discussion

Chair Smith provided an overview of prior committee actions, current agenda items, and this meeting's tasks.

The committee members reviewed the petition timeline as provided in Supervisor of Elections Cowles' Orange County Initiative Petition History memorandum and attachments dated December 2, 2019. Discussion ensued. General Counsel Shepard contributed to the discussion.

The committee members agreed to end the discussion on the petition threshold percentages.

Chair Smith provided remarks regarding the 180 day timeline as it affects the petitioner's ability to proceed with a citizen initiative. General Counsel Shepard and committee members contributed to the discussion.

Chair Smith requested that General Counsel speak with the Supervisor of Elections, the County Comptroller, and a representative of the Mayor's Office regarding the amount of time needed to complete their respective tasks as outlined in the petition process.

The committee members discussed the proposed ballot title, summary and amendment language. Member Melvin suggested replacing the word 'tolling' with 'suspending' in the ballot proposal. General Counsel Shepard contributed to the discussion. All committee members agreed on the word choice changes to the presented ballot language.

Future Action Plan

The next scheduled committee meeting will be held on Thursday, April 16, 2020 at 4:00 p.m. via WebEx. If you would like to attend this virtual meeting and/or address the committee, please contact CRC staff at katie.smith@occompt.com. Supporting materials, including the meeting notice, agenda 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

Citizen-Initiated Charter and Ordinance Amendment Process Committee

April 16, 2020
Comptroller's 4th Floor Conference Room
4:00 p.m.

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn
Clifford Shepard, CRC General Counsel
Katie Smith, Assisting CRC as Staff
Jessica Vaupel, Assisting CRC as Staff

The Citizen-Initiated Charter and Ordinance Amendment Process Committee met to discuss the citizen initiative process and proposed ballot title, summary and amendment language.

Public Comment

The following persons addressed the committee:

-Chuck O'Neal
-Eugene Stoccardo
-Anh Volmer

Chair Comments

Chair Smith provided an overview of current agenda items and this meeting's tasks. Chair Smith reminded attendees that, to date, the committee had not proposed changes to the percentage threshold.

CRC General Counsel Updates

General Counsel Shepard provided an overview of prior committee actions. General Counsel Shepard discussed the memorandum related to the Precise Deadlines for the Principals Involved in the 180-Day Process dated April 14, 2020. General Counsel Shepard presented the updated title, ballot language, and amendment language.

Members Open Discussion

Member Miller proposed moving forward with the language drafted by General Counsel. Member Wynn agreed.

Discussion ensued amongst the members and General Counsel regarding the Board of County Commissioners (BCC) public hearing held within sixty (60) days after notification of legality by the Legal Review Panel.

Chair Smith asked Deputy Clerk Katie Smith what the next appropriate course of action would be for the committee to take. Deputy Clerk Smith advised the committee to direct General Counsel Shepard to prepare the committee's final report to accompany the ballot, title and summary.

Committee Vote

Motion/Second: Members Miller / Wynn

AYE (Roll Call): Chair Smith; Members Douglas, Melvin, Miller and Wynn

Action: The committee moved to have General Counsel prepare the final report that incorporates the ballot, title, summary and body of changes.

Future Action Plan

General Counsel will prepare the committee final report. Supporting materials, including the meeting notice, agenda and summary report may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.



Memo

To: Cliff Shepard

From: Patrick Brackins

CC:

Re: Citizen Initiative Proposal

Date: November 4, 2019

By way of background, I was tasked with providing a general overview of Member Santiago's proposal that a subcommittee be established to study the threshold requirements for citizen initiatives under the current charter (the "Proposal"). Member Santiago's proposal seeks a comprehensive review of the citizen initiative process and consideration of whether a lower percentage threshold for citizen initiatives should be established. In other words, whether the threshold requirements for a citizen's initiative should be less restrictive.

Currently, section 601 of the charter provides any petition to amend the charter must be signed by ten (10) percent of the county electors in each commission district and any petition to enact, repeal or amend any ordinance must be signed by at least seven (7) percent of the county electors in each commission district. In addition, no less than 75 percent of those signatures must be on petition forms approved by the Supervisor of Elections, which include the comptroller's financial impact statement. By way of comparison, for citizen initiatives to the Florida Constitution, signatures equal to eight (8) percent of the votes in the state as a whole are required. Fla. Const. Art. XI, § 3. The Proposal appears to make an initial recommendation that the percentage of required signatures be lowered to six (6) percent of total eligible voters throughout the county. See Proposal at 4.

The 2016 Charter Review Commission established the Initiative Petitions Work Group "to investigate the conflicting views and expressed concerns about initiative petitions," and "to review the

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current initiative petition process and practice, and to determine whether to recommend changes to the Orange County Charter. . . .” The Petitions Work Group’s Final Report and Recommendation to the Charter Review Commission (the “Work Group Report”), dated January 27, 2016, is attached hereto as **Exhibit A**. The Work Group held 16 public meetings, which were attended by 10-15 members of the public at many of the meetings and it heard “substantial public comment.” It evaluated multiple different proposals and heard from a variety of public officials. In addition, the Work Group reviewed the initiative provisions of each of Florida’s other 19 charter counties and similar provisions from local governments of other states. The “Breakdown of Required Percentage of Registered Voters” for each charter county, which was created by the Work Group, is attached hereto as **Exhibit B**. The chart shows that the percentages range from 30 percent to 4 percent of registered voters.

With respect to the percentage of signatures required to place a citizen’s initiative on the ballot, the Work Group Report states:

***Number of Signatures Necessary for Charter Amendment Initiative
– 10% of Electors in Each Commission District***

The Work Group recommends that the number of signatures necessary for a charter amendment by initiative be changed from 10 percent of the county electors in a majority of the commission districts to 10 percent of the county electors in each commission district. Such a change makes charter amendments by initiative consistent with ordinances by initiative under the Orange County Charter, which requires a requisite number of signatures from all County Commission districts. It closes the current loophole that effectively allows only 6.67% of registered voters in the County to approve a petition drive (due to the present requirement that the requisite signatures be obtained only in a majority of the commission districts), and brings Orange County in line with other charter counties. (Orange County is unique in its “percentage from a majority of districts” structure.)⁴

This recommendation was strongly supported in public comments based on concerns that some districts have intentionally been avoided in past petition drives. The recommendation provides for better public input across all districts on charter amendment petitions, and for equal participation and representation of all districts, thereby avoiding disenfranchisement of districts. In other

words, it preserves the principle of “One Person, One Vote.” Finally, **the Work Group received substantial public comment that the Charter should not be easily amended, and certainly should not be easier to amend than an ordinance.**

The recommendation makes it harder to amend the Charter and it necessarily adds extra time, effort and cost to the initiative process. Overall, however, the Work Group believes the substantial benefit of providing for equal participation and representation of all districts far outweighs these impacts.

Id. (emphasis added). Thus, based on substantial public input, the Work Group recommended amending the charter for the express purpose of making it harder to amend the charter or to propose ordinances by citizen initiatives.

With respect to the Work Group’s recommendation, the 2016 Charter Review Commission’s Final Report provides:

Proposal Summary: The Initiative Petitions Work Group recommended reforming the charter initiative process. The reforms included: providing a single subject requirement; legal review; Comptroller-prepared financial impact statement; public hearing requirements; equal percentages of signatures from all commission districts; disclosure of gatherer’s paid/volunteer status; requiring gatherer’s affidavit and badge; adding a signature withdrawal process; deadlines and other procedural reforms; and protecting successful amendments for one year.

Final Action – Approved

The CRC voted to accept the work group recommendation to place on the ballot changes to Sections 601 and 602 of the Orange County Charter (and a corresponding change to Section 603 of the Charter) relating to initiative petitions, the adoption by the County Commission of an ordinance to carry out the intent of the recommended changes, and a codification of existing laws and procedures.

Id. Thus, the 2016 Charter Review Commission adopted the Work Group’s recommendation to place on the ballot a proposed charter amendment making greater threshold requirements for citizen initiatives.

The proposed amendment passed by more than 66 percent and the additional requirements were added to the Charter in 2016.



2016 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Initiative Petitions Work Group

Final Report and Recommendation to the Charter Review Commission Dated January 27, 2016

Work Group Members:

Rob Mellen, Chair
Fred Brummer
Stina D'Uva
Maribel Gomez Cordero
Matt Klein

The 2016 Charter Review Commission created the Initiative Petitions Work Group to investigate the conflicting views and expressed concerns about initiative petitions. The Work Group was directed to review the current initiative petition process and practice, and determine whether to recommend changes to the Orange County Charter, in particular Sections 601 and 602, to address these issues. Depending on the outcome of their investigation, the Work Group was requested to bring any recommended changes back to the full Charter Review Commission for consideration.

Based on its investigation, the Initiative Petitions Work Group recommends certain substantive changes in the initiative petition process, as well as certain administrative and procedural changes. The Work Group's recommendation provides a clear and concise guide for petitioners to follow in seeking to amend the Charter and adopt or amend ordinances. What follows is a detailed summary of the Work Group's recommended changes and the reasons for them.

In short, the Work Group recommends changes to Sections 601 and 602 of the Charter (and a corresponding change to Section 603 of the Charter) relating to initiative petitions, the adoption by the County Commission of an ordinance to carry out the intent of the recommended changes, and a codification of existing laws and procedures.

Introduction and Overview of Work Group Process

Over the past nine months, the Initiative Petitions Work Group held 16 meetings, averaging two hours per meeting, assembling and evaluating proposals to revise and reform Orange County's initiative petition process. The Work Group's meetings were well attended with 10-15 members of the public in attendance at many of the meetings, as well as elected officials and their representatives who participated from time to time. The Work Group considered input from the public and elected officials who appeared before the Charter Review Commission, including Mayor Teresa Jacobs, Mayor Gary Bruhn (on behalf of the Orange County Council of Mayors), Supervisor of Elections Bill Cowles, and representatives of Comptroller Martha Haynie.

The Work Group reviewed the initiative petition provisions of Florida's 19 other charter counties, as well as select provisions from other states, and heard substantial public comment. Common themes centered upon concerns about "outside interests" and "outside money" coming into Orange County to push initiative petitions, as well as a desire for transparency, particularly relating to the funding of paid petition gathering efforts and the paid or volunteer status of petition gatherers.¹ Supervisor of Elections Cowles regularly participated in the Work Group's discussions, either personally or through staff, providing recommendations, insight, and research to the Work Group.

Based on all of these sources, the Work Group assembled a list of potential initiative petition proposals², which the Work Group then evaluated and discussed throughout its subsequent meetings. A number of the proposals were rejected by the Work Group for legal and policy reasons. The remaining proposals were found to merit recommendation to the full Charter Review Commission.³

As noted, the Work Group's recommendation is divided into three categories; substantive changes to the initiative petition process; administrative or procedural changes; and codification of existing law and procedure. The recommended changes constitute a single proposal. They are interconnected and dependent on one another to achieve their intent. Accordingly, the Work Group recommends that the CRC consider the following a comprehensive plan of reform, rather than a menu from which to pick and choose.

¹ A complete summary of the public comments heard by the Work Group throughout its deliberations is attached as Exhibit "A."

² A copy of this comprehensive list, containing all proposals considered, including those rejected by the Work Group (indicated with ~~striketrough~~), is attached as Exhibit "B."

³ A comprehensive list of all proposed charter changes discussed in this recommendation, tracking the existing structure of Sections 601 and 602 of the Orange County Charter and written to facilitate the drafting of charter language, is attached hereto as Exhibit "C."

Recommended Substantive Changes
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Single Subject Requirement

The Work Group recommends that proposed initiative petitions (for both Charter amendments and ordinances) be subject to a single subject requirement, namely that they “shall embrace but one subject and matter directly connected therewith.” This requirement provides consistency with the standard for state constitutional amendments by initiative. It promotes clarity and makes it easier for a voter to understand what is being proposed, and helps prevent voter confusion. Finally, adding a single subject requirement brings Orange County (one of the few charter counties in the state without a single subject requirement) into line with the majority of charter counties.

Petition Gatherer Badge Requirement Identifying Whether Volunteer or Paid

The Work Group recommends that each petition gatherer circulating a county initiative petition be required to wear a badge that states “Volunteer Gatherer” or “Paid Gatherer,” as the case may be, in a form and manner specified by ordinance. The Work Group extensively researched the constitutional permissibility of a badge requirement, and limited the scope of its recommendation (only disclosure of paid or volunteer status) to be consistent with the findings of that research.

The badge requirement provides a level of needed transparency to the initiative petition process. A potential signer will be able to assess whether the petition gatherer is motivated by principle or profit. The Work Group believes the requirement helps identify whether an initiative is “grassroots” based on popular local support, and conversely helps address the issue of “outside interests” coming into the county to propose issues that may not be in the best interest of the county’s citizens.

This provision is also designed to be flexible, since the County Commission will specify the form and manner of wearing the badge by ordinance, and thus can tailor requirements so they are not burdensome or costly.

A badge requirement is an additional requirement on a petition sponsor not currently imposed, and it does add a burden, albeit minor, on petition gatherers. Overall, the Work Group believes that the benefits of transparency and petition signer education far outweigh this burden.

Petition Gatherer’s Affidavit

The Work Group recommends that the circulated petition form contain an affidavit to be completed and signed by the petition gatherer for each petition circulated, providing the name and address of the petition gatherer, whether he or she was paid or volunteer, and, if paid, by whom and on what basis (hourly, per-signature, other). The petition gatherer will also affirm that the petition was signed in the petition gatherer’s presence, the petition signer had sufficient time to read the petition language, and the signature on

the petition is believed to be the genuine signature of the petition signer. All of these requirements were gathered from similar provisions in other county charters, or from requirements of other states that have withstood constitutional challenge. The Work Group's recommendation includes using the statutory written declaration "under penalty of perjury," rather than a notary acknowledgment.

An affidavit requirement for petition gatherers again provides a degree of desired transparency to the initiative petition process. It discloses to the public in a documented way whether a petition gatherer has been paid or was a volunteer, who is paying the petition gatherer and on what basis. It fosters a better understanding by the signer of the subject matter of the petition by encouraging an opportunity to read it before signing. Finally, it promotes honesty on the part of the petition gatherer and helps prevent fraud in signature gathering.

Legal Review, Financial Impact Statement, and Public Hearing – Upon Reaching 1% Signature Threshold

The Work Group recommends that a legal review requirement, a financial impact statement requirement, and a public hearing requirement be added to Orange County's initiative petition process. The details of these requirements are described below, but all three are triggered when the Supervisor of Elections verifies that a petition has been signed by 1% of the electors in each of the county commission districts. The Work Group believes that setting a minimum number of petitions necessary to trigger these requirements provides a safeguard against the waste of county resources on frivolous petitions if the minimum required number of signatures cannot be obtained.

Legal Review

The legal review will be conducted by a Legal Review Panel, comprised of three attorneys licensed to practice law in Florida who have demonstrated experience in Florida local government law and who are selected on a bi-annual basis through the county's purchasing process applicable to legal services. Within 20 days after the 1% signature requirement is met, the Legal Review Panel will meet and render a written determination whether the proposed initiative petition satisfies the single subject requirement and is consistent with the Florida Constitution, general law and restrictions of the Charter. If at least two members of the Legal Review Panel find that the petition satisfies these requirements, the petition process continues. If, however, two or more panelists find that it does not satisfy the requirements, the current petition drive ends and the petition must be corrected to satisfy the requirements before a new petition drive starts.

The Legal Review Panel will also be charged with ensuring the petition language is clear and not misleading. This legal requirement provides a mechanism for review of the petition language other than by going to court, which is more costly and time-consuming. The legal review benefits the sponsor of an initiative petition by passing on the legality of the petition early in the process so it can be withdrawn and/or corrected. It

also may benefit the sponsor by making the initiative less likely to be challenged upon completion. The requirement for a legal review early in the process can save county resources on costly legal challenges which might otherwise occur later in the process. Finally, the requirement follows the lead of a neighboring charter county (Brevard), which has had a legal review panel process in place for some time and, based on inquiry, has found it to be beneficial.

The legal review process admittedly has the potential to kill a petition drive. It adds cost to the county to conduct an RFP process for selection of the Legal Review Panel and compensating them for their work, but potentially saves costs and avoids challenges later in the process. Also, the Legal Review Panel decision may still be overturned later in the process if challenged in court. Overall, the Work Group believes that the substantial benefits of a legal review that potentially avoids litigation and provides valuable legal feedback to petition sponsors and the public far outweigh the risks.

Financial Impact Statement

Within 20 days after the 1% signature requirement is met, the Comptroller will prepare and transmit to the sponsor of the petition, the Board of County Commissioners, and the Supervisor of Elections, a separate financial impact statement, not exceeding 75 words. The impact statement will estimate the increase or decrease in any revenues or costs to the county, local governments or to the citizens resulting from the approval of the proposed initiative petition. This financial impact statement will be placed on the ballot immediately following the ballot question.

In addition, upon receipt of the financial impact statement, the sponsor of the petition will prepare and submit to the Supervisor of Elections a revised petition form containing the financial impact statement. The Supervisor of Elections, within 15 days after submittal of the revised petition form containing the financial impact statement, then renders a determination on the form of the revised petition. At least 75% of the signed petitions verified by the Supervisor of Elections must include the financial impact statement.

The Work Group believes that a financial impact statement helps educate the public on the cost of an initiative, in taxpayer dollars and otherwise. Requiring that the financial impact statement be placed on a revised petition form provides transparency by informing petition signers of the financial impact of the initiative if adopted. Placing the financial impact statement on the ballot helps ensure that the financial impact of a proposal is considered by voters at the critical time of voting. Lastly, specifying that the financial impact analysis be prepared by the Orange County Comptroller ensures that the analysis is prepared by an office equipped with sufficient expertise that acts independently from the Board of County Commissioners.

This requirement imposes an obligation on the Comptroller and adds the cost to the Comptroller's office of reviewing the initiative and preparing the financial impact statement that does not presently exist. In addition, requiring that the petition form be

revised to incorporate the financial impact statement also imposes an additional obligation and expense on the petition sponsor that doesn't presently exist. However, the Work Group believes that the substantial educational benefits of a financial impact statement independently prepared and placed before the voters on the petition form and ballot far outweigh the additional obligations and costs.

Public Hearing

Within 60 days after notification of legality by the Legal Review Panel, a public hearing will be required to be held on the petition before the Board of County Commissioners. Holding a public hearing to address the merits of the proposal early in the initiative petition process helps educate the public and provides transparency by allowing a longer period of time for the community to review, discuss and fully understand the pros and cons of the initiative. It also allows the County Commission to consider the merits of the proposal and act independently upon it if appropriate.

Number of Signatures Necessary for Charter Amendment Initiative – 10% of Electors in Each Commission District

The Work Group recommends that the number of signatures necessary for a charter amendment by initiative be changed from 10 percent of the county electors in a majority of the commission districts to 10 percent of the county electors in each commission district. Such a change makes charter amendments by initiative consistent with ordinances by initiative under the Orange County Charter, which requires a requisite number of signatures from all County Commission districts. It closes the current loophole that effectively allows only 6.67% of registered voters in the County to approve a petition drive (due to the present requirement that the requisite signatures be obtained only in a majority of the commission districts), and brings Orange County in line with other charter counties. (Orange County is unique in its “percentage from a majority of districts” structure.)⁴

This recommendation was strongly supported in public comments based on concerns that some districts have intentionally been avoided in past petition drives. The recommendation provides for better public input across all districts on charter amendment petitions, and for equal participation and representation of all districts, thereby avoiding disenfranchisement of districts. In other words, it preserves the principle of “One Person, One Vote.” Finally, the Work Group received substantial public comment that the Charter should not be easily amended, and certainly should not be easier to amend than an ordinance.

The recommendation makes it harder to amend the Charter and it necessarily adds extra time, effort and cost to the initiative process. Overall, however, the Work Group

⁴ A breakdown for Florida's 20 charter counties of the required percentage of registered voters, and from how many districts, for ordinances by initiative and charter amendments by initiative, is attached hereto as Exhibit "D".

believes the substantial benefit of providing for equal participation and representation of all districts far outweighs these impacts.

No Amendment or Repeal of a Successful Charter Amendment by Initiative for One Year After Effective Date.

The Work Group recommends that a successful charter amendment by initiative petition not be subject to amendment or repeal for a period of one year after its effective date. Such protection for charter amendments by initiative provides consistency between charter amendments and ordinances by initiative, which presently have the one year protection. It allows a reasonable time to determine whether an amendment works. Finally, it benefits the sponsor of a successful initiative petition by protecting the amendment for at least a year from repeal or change.

A potential consequence of the recommendation is that bad policy cannot be repealed or changed in a timely manner, and the protection may lead to unintended consequences. However, the Work Group believes, in light of the overall improvement and strengthening of the initiative petition process which results from the Work Group's recommendations, a successful charter amendment by initiative should be entitled to operate for a reasonable period of time without interference.

Recommended Administrative/Procedural Changes
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Sponsor to Submit Petitions Signed Each Month No Later than 5th Day of the Following Month

The Work Group recommends that the petition sponsor be required to submit all signed petitions gathered during each month to the Supervisor of Elections no later than the 5th day of the following month. This requirement provides transparency by disclosing how far along the sponsor of an initiative petition is in the signature gathering process (i.e., no holding back of signed petitions), thereby benefiting both the sponsor of the initiative and the community as a whole. Supervisor of Elections Cowles supported this requirement because it promotes efficiency for the Supervisor of Elections' office providing predictability and spreading out the necessary verification. It also facilitates the withdrawal by a petition signer of his/her signature on a petition, as discussed below. Finally, regular submittal of signed petitions helps satisfy the "1% signature requirement" that initiates the legal review, financial impact statement and public hearing requirements as early in the process as possible.

The requirement is one that is not currently applicable to the initiative petition process, and it may void otherwise valid signatures if the petitions are not timely submitted, although this will be as a result of sponsor's inaction. Overall, the Work Group believes that the substantial benefits of transparency and efficiency that this requirement fosters far outweigh the consequences of untimely submission of signed petitions.

Sponsor May Formally Terminate Its Petition Drive

The Work Group recommends that a sponsor of an initiative petition be able to terminate the sponsor's petition drive by filing a form, promulgated by the Supervisor of Elections, with the Supervisor of Elections' office. This change is based on a recommendation from Supervisor of Elections Cowles who advised the Work Group there is presently no clear way for a sponsor of an initiative petition to voluntarily terminate its petition drive. Mr. Cowles indicated that, in his experience, petition sponsors have sometimes wanted to end their petition drives, and the lack of a formal mechanism to do so led to substantial frustration and confusion.

Petition Signer May Withdraw Signature on a Petition

The Work Group recommends allowing a petition signer to withdraw his/her signature on an initiative petition by filing a withdrawal form with the Supervisor of Elections' office. The form will be promulgated by the Supervisor of Elections and made available on the Supervisor's website.

The Work Group believes allowing a petition signer to withdraw his/her signature provides an opportunity for the petition signer to reconsider the decision to sign the petition after additional information is publicly disseminated. Although it adds an incremental amount of work to the Supervisor of Elections' office, Mr. Cowles confirmed that the recordkeeping system used by the Supervisor's office, which ties each signed petition to the voter's record, makes this recommendation easy to implement.

Removal of Requirement for BCC to Call Referendum / Automatic Placement on Ballot Upon Verification of Sufficient Signatures

The Work Group recommends removal of the requirement that the Board of County Commissioners affirmatively vote to place a qualified initiative petition on the ballot based on the recommendation of County Mayor Teresa Jacobs. Rather, the Charter will specify that the initiative will be automatically placed on the ballot after verification of sufficient signatures by the Supervisor of Elections.⁵

⁵ This change also entails the removal of Section 603C of the Orange County Charter, which prohibits the Board of County Commissioners from calling a referendum on any initiative petition that violates Florida law or the restrictions of the Charter. Because the BCC will no longer call a referendum on an initiative petition in any event, the section is no longer effective. In addition, the Work Group's proposal provides for another mechanism to address illegal initiative petitions (the Legal Review Panel process), thus addressing the policy interest served by Section 603C.

Remove Special Election from Elections at Which Initiative Petition Can Be Held

The Work Group recommends that “special elections” be removed as elections at which a referendum can be held on an initiative petition. With this removal, the Charter more simply provides that a referendum be held at the next primary or general election occurring at least 150 days after verification of sufficient signatures. Such change provides clarity and predictability as to when the question will be placed on the ballot. It allows the petition sponsor to more effectively select the election at which the initiative will be considered by the voters and simplifies the initiative petition process overall. Supervisor Cowles concurred that the change can provide clarity and predictability and simplify the process.

Labeling and Ordering Guidance for Charter Amendment Ballot Order

The Work Group recommends that labeling and ballot ordering guidance be provided to the Supervisor of Elections for charter amendments appearing on the ballot. Specifically, charter amendments appearing on the ballot will be labeled using alphabet lettering (A, B, C, etc.), and placed in the following order: first, amendments proposed by the Charter Review Commission; next, amendments proposed by the County Commission; and last, amendments proposed by the initiative petition process; in each case, identifying the section of the Charter being amended along with the title. This recommendation is based on a request from Supervisor of Elections Cowles who indicated that in recent elections questions have arisen as to identifying and ordering charter amendments and, lacking any guidance, he has had to exercise his own judgment to resolve them. Clear guidance in these matters will reduce confusion and improve predictability for petition sponsors and the public. In addition, labeling charter amendments with alphabet lettering provides clarity to the public in distinguishing charter amendments from constitutional amendments.

Recommended Codification of Existing Law/Procedure

Require Petition Sponsor’s Registration as a Political Committee

The Work Group recommends that language be added to the Charter that the sponsor of an initiative petition must “register as a political committee as required by general law.” This requirement has long been the law under Florida election law, but a number of county charters state it expressly in order to help those pursuing charter and ordinance amendments by providing a single source for guidance in working through the process.

Form of Petition

The Work Group recommends that the Charter specify that the petition form used by the petition sponsor contain the ballot title, ballot summary, and proposal language. Once again, this is the existing law and practice pursuant to the Supervisor of Elections’

application of relevant Florida Administrative Code provisions. Adding these provisions to the Charter helps guide petition sponsors through the initiative petition process.

Sponsor Translation of Ballot Title and Summary

The Work Group recommends that the sponsor of an initiative petition provide a translation of the ballot title and ballot summary in the language(s) required by law at the time the petition form is filed with the Supervisor of Elections for review. This recommendation provides clarity to the current initiative petition process by codifying the practice of the Supervisor of Elections and facilitates compliance with federal law requirements.

Supervisor of Elections to Render Determination on Form of Petition Within 15 Days

The Work Group recommends that the Supervisor of Elections be required, within 15 days after submittal, to render a determination on the form of the proposed petition. Currently, there is no established time period for the Supervisor of Elections to complete review and make a determination on the petition form. Supervisor of Elections Cowles has historically rendered a determination on petition forms almost immediately, but providing a specific time limit for the Supervisor to do so provides a procedural safeguard for petition sponsors while codifying existing practice.

Supervisor of Elections to Verify Validity of Signatures within 30 Days After Submittal and to Post Tally on Website

The Work Group recommends that the Supervisor of Elections be required to verify the validity of the signatures submitted within 30 days after submittal, and to post a tally of the number of signatures verified on the Supervisor of Elections' website for public view. Once again, this recommendation codifies the Supervisor of Elections' current practice. It provides transparency by disclosing how far along the sponsor of an initiative petition is in the signature gathering process, thereby benefiting both the sponsor of the initiative petition and the community as a whole. The recommendation also benefits the sponsor by providing certainty as to the total number of valid signatures submitted as the process progresses, so the petition sponsor can determine the number of additional petitions needed.

Conclusion

The Work Group believes that the proposed substantive, procedural and administrative changes to the initiative petition process outlined in this recommendation are responsive to the conflicting views and expressed concerns raised in regard to the current initiative process and practice. The Work Group further believes that, if adopted by the Charter Review Commission and approved by the voters, the initiative process in Orange County will be significantly improved and provide much needed clarity, transparency and guidance.

FINAL REPORT AND RECOMMENDATION
INITIATIVE PETITIONS WORK GROUP
EXHIBIT “A”

Date Presented	Presented by	Topic(s)
3/12/2015	Doug Head	a) Expectations for the public to prepare ballot initiative language are unreasonable b) Issues that tend to limit the capacity of minorities is unacceptable
4/9/2015	Mayor Bruhn Chair, Orange County Council of Mayors	a) Provide fixed date by which petition process must be completed b) Include a mechanism to withdraw/end a petition process Note: Letter dated March 26, 2015, provided to CRC
4/9/2015	Linda O'Keefe	a) Need 150 day filing time b) Possible misleading language of initiative itself needs legal review c) Outside interests funding petition process d) Need transparency and financial disclosure e) Need fair representation across all districts
4/9/2015	Bill Barnette	a) Big national groups coming into Orange County and funding their own interests b) Need to make it for citizens by citizens
4/9/2015	Emmett Odell	a) Do not make initiatives any more difficult b) CRC considers/vets an issue for a long time before putting on ballot
4/9/2015	Dana Gowen	a) Limit ballot questions to 75 words b) Changing Orange County constitution/charter should be hard c) Keep questions direct and simple
4/9/2015	Doug Head	a) Object to constrain citizen's input by making ballot initiatives harder b) Keep ballot questions to one topic (single issue)
4/9/2015	Chadwick Hardee	a) Concerned about outside groups funding ballot initiatives b) Need to include all districts in signatures c) Keep ballot questions to single issue
4/30/2015	Summary Report does not reflect Public Comments	
5/14/2015	Cynthia Ellenberg	a) Ballot language – citizens need to understand what the ballot is asking b) Concerned that signatures are not collected in the majority of the districts c) Interested in bifurcation – citizens should know who is collecting the signatures

Date Presented	Presented by	Topic(s)
5/28/2015	Summary Report does not reflect Public Comments	
6/9/2015	Barbara Seidenberg	<ul style="list-style-type: none"> a) Transparency - Paid petition gatherers b) Outside Interest - Threshold higher for paid gatherers
6/9/2015	Todd Catella	Petition initiative is important because the county school run from within, the issues should be driven from within and not from without
6/25/2015	Summary Report does not reflect Public Comments	
7/9/2015	Bill Barnett	Limit outside money that comes into Orange County to implement outside national ideas
7/9/2015	Linda O'Keefe	Discussion at the work group meeting are in the interest of finding a way to bring accountability and transparency to the petition process
7/9/2015	Kelli McNair-Lee	The goal is to eliminate cheating and try to make the process fair
7/9/2015	Tom Tillison	Transparency in the process is what everyone is looking for
7/9/2015	Todd Catella	<ul style="list-style-type: none"> a) In favor of the restriction on the initiatives on paid and unpaid b) As well as the other topics that have been mentioned
7/16/2015	Meeting Cancelled	
7/21/2015	Summary Report does not reflect Public Comments	
8/13/2015	David Siegel	Likes the discussion on disclosure by putting measures on the ballot
8/13/2015	Linda O'Keefe	<ul style="list-style-type: none"> a) Concerned with the funding of local petition efforts in Orange County by outside interest b) Request the requirement of all districts be represented in the petition initiative drive, not just the majority c) Request affidavits, disclosures, and badges for paid circulators d) Keep the 150 day requirement e) Raise the threshold for paid circulators
8/13/2015	Frank Caprio	<ul style="list-style-type: none"> a) Encourage the CRC to make the petition process as difficult as possible b) Designate between paid and unpaid circulators

Date Presented	Presented by	Topic(s)
8/13/2015	Chadwick Hardee	Outside money coming into the district should have a tighter restriction
8/13/2015	Bill Barnett	<ul style="list-style-type: none"> a) The process should not be easy b) Should not have paid outside influences
8/13/2015	Emily Bonilla	The petition process should not be made too difficult because it's the job of the people to create law and the government to enforce the law
8/20/2015	Summary Report does not reflect Public Comments	
8/27/2015	Summary Report does not reflect Public Comments	
9/10/2015	Barbara Seidenberg	<ul style="list-style-type: none"> a) Against outside interest funding petition process b) Need for affidavit requirements c) Circulators should wear badges d) Need for disclosure e) Need for a way to withdraw a signature on a petition
9/10/2015	Linda O'Keefe	<p>Thanked the work group for:</p> <ul style="list-style-type: none"> a) Making sure the process works for the residents of the county b) Considering concerns brought to their attention by the public c) Researching many practices from other counties and states d) Seeking the input from the Supervisor of Elections
9/10/2015	Cynthia Ellenberg	<ul style="list-style-type: none"> e) Disclose the sponsor of a petition f) Disclose if paid or a volunteer g) Need for badges h) Need to educate the public on the process a) Create a mechanism to remove a signature on a petition

Date Presented	Presented by	Topic(s)
9/10/2015	Mike Ketchum	Commended the work group and Counsel on their efforts towards addressing topics such as: a) Outside interest b) Misleading language on ballots c) Hidden agendas d) Greater transparency
9/10/2015	Todd Catella	In support of knowing who brings forward citizen petitions
9/24/2015	Mike Ketchum	a) Legal Review Process – supports the direction of the work group b) Financial Impact Statement - the statement should include the impact on the private sector or individual tax payers c) Agrees the topics of a period of time during which a charter amendment cannot be disturbed/provide a period of time after an initiative petition has failed to pass on the ballot should be addressed
9/24/2015	Michelle Levy	a) Legal Review Process - the League of Women Voters would not be comfortable with the RFP process b) Financial Impact Statement - asked for clarification as to what impacts should be addressed
9/24/2015	Bill Cowles	a) Legal Review Process - the legal review should not stop or delay the petition process b) Financial Impact Statement - a panel can also be commissioned to complete a financial impact statement c) Documents need to be prepared in English and Spanish
9/24/2015	Cynthia Ellenberg	a) Legal Review Process - agrees with Mike Ketchum's statements b) Financial Impact Statement - prefers the Orange County Charter language because it includes the impact on the citizens.
9/24/2015	Todd Catella	Asked what issues have been raised in the past to create the need to consider a period of time during which a charter amendment cannot be disturbed/provide a period of time after an initiative petition has failed to pass on the ballot
10/1/2015	Todd Catella	a) Asked if the one (1) year protection of a period of time during which a charter amendment cannot be disturbed would be a separate clarification from the requirement for additional petition signatures. b) Likes the decision of having the public hearing early in the initiative petition process; however, what is the purpose for the maximum of 30 days for the BCC to call a referendum by resolution c) Likes the thought of petitions being submitted in a timely manner and suggested that the group organizing the petition indicate which election date they would prefer their petition to be placed on the ballot and possibly specify a secondary option as well

Date Presented	Presented by	Topic(s)
10/1/2015	Nick Shannin	<ul style="list-style-type: none"> a) The office of the Supervisor of Elections appreciates the work groups' decision not to move forward on the topic of a period of time after an initiative petition has been placed on the ballot and failed to pass during which an identical or substantially similar initiative may not be placed on the ballot b) The Supervisor of Elections does not have the power to put an initiative petition on the ballot c) The BCC must place the initiative petition on the ballot even if an affirmative vote does not have to take place to do so d) The Charter provides the BCC the opportunity to call for a referendum by resolution
10/1/2015	Bill Barnett	<ul style="list-style-type: none"> a) There are outside groups that would spend money a second time b) The Commission serves a purpose to ensure the County does not implement something that is damaging to the County
10/1/2015	Terri Falbo	<p>Asked if the group circulating a petition is aiming to be on the November ballot but because of the rolling time period they may get enough signatures sooner, would that cause the petition to be placed on an earlier ballot. Is this a possible scenario and is anyone concerned with this type of issue</p>
10/1/2015	Linda O'Keefe	<p>In favor of making sure the initiative process is followed correctly by having the BCC vote on the petition as a last measure</p>
10/22/2015	Linda O'Keefe	<p>Having a requirement of a financial impact statement is a good idea to be placed on the ballot and encourages the work group members to vote for it</p>
10/22/2015	John Lina	<p>Asked if the impact statement will include opportunity cost</p>
10/22/2015	Bill Barnett	<p>Concerned with the opportunity cost, encourages the members to support the original motion</p>
10/22/2015	Bill Cowles	<ul style="list-style-type: none"> a) In regards to the opportunity cost, if it goes to electioneering depending on how it is written, it could be a challenge putting it on the ballot b) Asked was the motion for a financial impact statement only for the CRC to the ballot, the BCC to the ballot, or from the citizens c) Require the organization of the initiative petition to submit the financial impact statement when they file their petition with the Supervisor of Elections Office
10/22/2015	Lorraine Tuliano	<p>It seems to be a long laborious process to find someone to craft a financial impact statement when you have a qualified Comptroller available</p>

Date Presented	Presented by	Topic(s)
10/22/2015	Todd Catella	<ul style="list-style-type: none"> a) When placing the amendments in sections in order of CRC, Board, and initiative; there should not be an identification mark separating the sections to ensure people are assessing the merit of the question and not where they came from b) Likes the thought of a back-up person being allowed to withdraw or terminate a petition in case the other party is not available and question if the form created by the Supervisor of Elections can be challenged c) The November 3rd meeting is important to attend from the public side
11/03/2015	Trini Quiroz	Asked what are the things excluded, what is the exception of the initiative petitions process
11/03/2015	Michelle Levy	Asked who will pay for the volunteers' badges
11/03/2015	Mike Ketchum	<ul style="list-style-type: none"> a) Thanked the work group members for their efforts by generating greater transparency b) The members have kept a really good balance, looking forward to seeing the process move ahead
11/03/2015	Bill Barnett	<ul style="list-style-type: none"> a) Include the words "clearly visible" to ensure the badges are clearly displayed b) Need for transparency and disclosure c) The transparency of the process is the important factor d) The report specifies no action was taken; however, other actions have been taken that address this issue of the impact and influence of money from outside of Orange County on the Orange County initiative petition process
11/03/2015	Linda O'Keefe	<ul style="list-style-type: none"> a) Agrees with the idea of stating paid or volunteer on the badge; however, the badge should also include the name of the political committee b) Disclosure for the public is very important c) The members haven't really addressed the impact of money from outside groups; however, enough has been done to create some transparency in the system d) Suggested adopting a residency requirement for sponsors; although, understands it can cause a legal battle
11/03/2015	Debra Sumner	Include a 75 word limit to help citizens get an overview of what they are voting for
11/19/2015	No One Addressed the Work Group	

FINAL REPORT AND RECOMMENDATION
INITIATIVE PETITIONS WORK GROUP
EXHIBIT “B”

Proposals Received for Initiative Petition Related Charter Amendments

- **Number of signed petitions required to qualify an initiative petition for the ballot:**
 - Increase the percentage of signed petitions required to qualify an initiative petition for the ballot:
 - ~~Ordinance by initiative;~~
 - Charter amendment by initiative; or
 - ~~Both.~~
 - ~~Provide for a higher and lower required percentage of signed petitions depending on whether the initiative is a paid petition-gathering effort or non-paid, respectively.~~
 - ~~Require notarized affidavits from the initiative petition sponsor and petition-gatherers certifying that the petition-gathering effort is unpaid.~~
 - ~~With savings language to specify that in the event the higher required percentage for paid petition-gathering efforts is invalidated by court order, the required percentage of signed petitions, whether the effort was paid or unpaid, would then default to be the higher required percentage.~~
 - With respect to charter amendments by initiative, require a specified minimum percentage of signed petitions from each county commission district, rather than from only a majority of districts.
- **Requirements and regulations concerning petition gathering and petition-gatherers:**
 - Identify sponsor on the face of the petition
 - Sponsor registration as a political committee
 - ~~Qualifications of petition-gatherers~~
 - Require a declaration under penalty of perjury ~~notarized affidavit~~ from each petition-gatherer with respect to each signed petition, specifying:
 - The name and address of the petition-gatherer;
 - Whether the petition-gatherer was paid for his or her work in gathering that petition;
 - By whom the petition-gatherer was paid;
 - If paid, whether the petition-gather was paid on:
 - An hourly basis;
 - A per-signature basis; or
 - Some other basis therein described.
 - That the petition was signed in the petition-gatherer's presence;
 - That the petition signer had enough time to read the petition language. (Potentially modeled on Duval County and Broward County Charter language.)
 - Require that petition-gatherers wear a badge indicating whether they are paid or unpaid, ~~and if paid, by whom.~~
 - Signature requirements on petition
 - Name, address, date, ~~county commission district~~, etc.

(~~strike out~~ indicates proposals that the workgroup decided not to include; underline indicates changes or additions made by workgroup to proposals)

- Provide for a procedure for a petition signer to withdraw his or her signature from an initiative petition effort.
 - ~~Which might implicate the need to~~ add a requirement that petitions be submitted to the Supervisor of Elections monthly within a specified number of days after the date of signature.
- ~~Address electronic petition-gathering~~
- ~~Address petitions in other languages~~
- Additional concerns specified by the Supervisor of Election's Office
- **Substantive Requirements for Initiative Petitions**
 - Provide for a single subject requirement for:
 - ~~Charter amendments by initiative;~~
 - ~~Ordinances by initiative; or~~
 - Both.
 - ~~Provide for a 75 (or other number) word limit on the textual revision to the county charter or code of ordinances proposed by initiative petition.~~
 - Provide for a legal review process for initiative petitions (Potentially modeled on Brevard County Charter language):
 - Who would conduct this review? Legal Review Panel
 - ~~If those persons are appointed, who would appoint them?~~
 - At what point in the process would the legal review occur?
 - Potentially, upon attaining a minimum threshold percentage of signed petitions.
 - Require that a Financial Impact Statement prepared by the County Comptroller Commission ~~or other body~~ be included with an initiative petition ballot summary on the ballot. (Potentially modeled on Hillsborough County Charter language, Section 8.05)
 - Provide for a period of time after a charter amendment by initiative petition is passed, during which such charter amendment cannot be disturbed, i.e., amended or repealed.
 - ~~Provide for a period of time after an initiative petition is placed on the ballot and fails to pass, during which an identical or substantially similar initiative petition:~~
 - ~~May not be placed on the ballot; or~~
 - ~~Is made subject to a higher percentage petition requirement (as in the Duval County Charter, providing for a 10% threshold rather than 5% in such a case.)~~
- **Procedural Requirements for Initiative Petitions**
 - Time periods for process
 - ~~Moving due date for petitions to qualifying period for election~~ Removed special elections.
 - Provide for a mandatory public hearing on initiative petition proposals ~~charter amendments by initiative petition.~~
 - Provide guidance to the Supervisor of Elections concerning ballot order, placement, labeling, and format relating to charter amendments.

(~~strike out~~ indicates proposals that the workgroup decided not to include; underline indicates changes or additions made by workgroup to proposals)

- Specify who is responsible for ballot translation.
- Provide for a formal mechanism by which a sponsor of an initiative petition can withdraw or terminate its initiative petition effort.
- ~~Process by which the BCC may place an amendment on the ballot~~
- Sec. 601 - Initiatives and Referendum
- **Use of Initiative Petition Process**
 - ~~Amend charter only through charter review process~~
 - ~~No ordinance by initiative process~~
 - Address the impact and influence of money from outside of Orange County on the Orange County initiative petition process.

(~~strike out~~ indicates proposals that the workgroup decided not to include; underline indicates changes or additions made by workgroup to proposals)

FINAL REPORT AND RECOMMENDATION
INITIATIVE PETITIONS WORK GROUP
EXHIBIT “C”



2016 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Exhibit "C" – Comprehensive List of All Proposed Charter Changes Set Forth in Final Report and Recommendation of the Initiative Petitions Work Group

The following is a comprehensive list of all proposed charter changes discussed in the Final Report and Recommendation of the Initiative Petitions Work Group, tracking the existing structure of Sections 601, 602, and 603 of the Orange County Charter, written to facilitate the drafting of charter language. The list incorporates the existing language of Sections 601 and 602 of the Orange County Charter, with existing charter language italicized, and proposal elements in plain text and bulleted. Section 602 has been split into seven subsections, lettered A through G. The existing language of Section 602 has been divided in the presentation below, with the language of existing Subsections A and B (dealing with the referendum processes for both charter amendments and ordinances by initiative) moved to Subsection 602.G. Referendum.

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 ~~a majority of the commission districts~~ as of January 1 of the year in which the petition is initiated.*
- B. *Ordinance. A petition seeking to enact, amend 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.*

-- Change the number of signatures necessary for a charter amendment by initiative from 10 percent of the county electors in a majority of the commission districts to 10 percent of the county electors in each commission district.

Sec. 602. - Procedure for initiative and referendum.

The sponsor of an initiative petition shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on

which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one-hundred-eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are obtained, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days verify the signatures thereon and submit a written report to the board.

602.A. Initiation of Process

- Require that the sponsor of an initiative petition “register as a political committee as required by general law.”
- Require that the sponsor of an initiative petition provide a translation of the ballot title and ballot summary in the language(s) required by law at the time the petition form is filed with the Supervisor of Elections for review.
- Specify that the Supervisor of Elections shall, within 15 days after submittal, render a determination on the form of the proposed petition.
- Specify that each proposed charter amendment by initiative and each ordinance by initiative “shall embrace but one subject and matter directly connected therewith.”

602.B. Form of Petition

- Specify that the petition form shall contain the ballot title, ballot summary, and proposal language.
- Require that the petition form contain an affidavit to be completed by a petition gatherer, signed and verified by the petition gatherer pursuant to Section 92.525(1)(c), Fla. Stat., for each petition gathered by a petition gatherer, specifying:
 - Name and address of the petition gatherer;
 - Whether the petition gatherer was a paid gatherer or volunteer gatherer;
 - If paid, by whom;
 - If paid, whether paid on:
 - An hourly basis;
 - A per-signature basis; or
 - Some other basis therein described;
 - That the petition was signed in the petition gatherer’s presence;
 - That the petition signer had sufficient time to read the petition language;
 - That the petition gatherer believes the signature on the petition to be the genuine signature of the petition signer.

602.C. Petition Gathering

- Require that a petition gatherer gathering a county initiative petition who is not being paid to do so shall display a badge that states the words "VOLUNTEER GATHERER", in a form and manner specified by ordinance.
- Require that a petition gatherer gathering a county initiative petition who is being paid to do so shall display a badge that states the words "PAID GATHERER", in a form and manner specified by ordinance.
- Require that a petition gatherer sign and verify the affidavit required on the petition form for each petition gathered by the petition gatherer.

602.D. Submission of Signed Petitions; Verification of Requisite Signatures

- Require that all signed petitions gathered by petition gatherers in a month be submitted to the Supervisor of Elections no later than the 5th day of the following month.
- Require that the Supervisor of Elections verify the validity of the signatures submitted within 30 days after submittal.
- Require that the Supervisor of Elections post a tally of the number of signatures verified on the Supervisor of Elections' website for public view.

602.E. Legal Review, Financial Impact; Public Hearing

- Specify that upon verification by the Supervisor of Elections that a petition has been signed by at least 1% of the county electors in each of the commission districts, the Supervisor of Elections shall so notify the Comptroller and the Legal Review Panel.

Legal Review

- Specify that the Legal Review Panel shall be a panel of three attorneys licensed to practice law in the state of Florida who have demonstrated experience in Florida local government law, and who shall be selected on a bi-annual basis through the county's purchasing process applicable to legal services.
- Specify that the Legal Review Panel shall meet and render a determination, within 20 days after notification by the Supervisor of Elections, whether the proposed initiative petition, including ballot title, ballot summary, petition language, and ballot language translations, embraces but one subject and matter directly connected therewith, and is consistent with the Florida Constitution, general law, and the restrictions of the Charter.
- Specify that if at least two members of the Legal Review Panel determine that the proposed initiative petition embraces but one subject and matter directly connected

therewith, and is consistent with the Florida Constitution, general law, and the restrictions of the Charter, then the Legal Review Panel shall render a written opinion setting forth the reasons therefor, and so notify the Board of County Commissioners, the Supervisor of Elections, and the sponsor of the petition.

-- Specify that if at least two members of the Legal Review Panel determine that the proposed initiative petition does not embrace but one subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the Legal Review Panel shall render a written opinion setting forth the reasons therefor, so notify the Board of County Commissioners, the Supervisor of Elections, and the sponsor of the petition, and the petition drive shall thereafter terminate. None of the signatures acquired in such a petition drive may be carried over into another identical or similar petition.

Financial Impact Statement

-- Specify that within 20 days after notification by the Supervisor of Elections, the Comptroller shall prepare and transmit to the Board of County Commissioners, Supervisor of Elections and the sponsor of the petition, a separate financial impact statement, not exceeding 75 words, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The Comptroller shall also prepare translations of the financial impact statement into the language(s) required by law.

-- Specify that the 75-word financial impact statement shall be placed on the ballot immediately following the ballot question.

-- Require that the sponsor of the petition, upon receipt of the financial impact statement, shall prepare and submit to the Supervisor of Elections for review and approval a revised petition form containing the financial impact statement.

-- Specify that the Supervisor of Elections shall, within 15 days after submittal of the revised petition form containing the financial impact statement, render a determination on the form of the revised petition.

-- Require that least 75% of the signed petitions include the 75-word financial impact statement.

Public Hearing

-- Specify that within 60 days after notification of legality by the Legal Review Panel, a public hearing shall be held on the petition before the Board of County Commissioners.

602.F. Termination of Petition Drive by Sponsor; Withdrawal of Signature by Petition Signer

-- Specify that a sponsor of an initiative petition may terminate a petition drive by filing a completed form so stating, in a form promulgated by the Supervisor of Elections, with the Supervisor of Elections.

-- Authorize a petition signer to withdraw his or her signature by filing, with the Supervisor of Elections, a completed form so stating, in a form promulgated by the Supervisor of Elections and available to print from the Supervisor of Elections website, adequately identifying the petition signer and petition drive, prior to the verification of signatures by the Supervisor of Elections.

602.G. Referendum

- A. *Charter. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.*
- B. *Ordinance. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.*
- C. *The initiative power shall not be restricted, except as provided by general law and this Charter.*

-- Remove the requirement that the Board of County Commissioners call a referendum on the question of the adoption of the petition, and specify that a referendum will be held on the question automatically after verification of sufficient signatures by the Supervisor of Elections.¹

-- Remove "special election" as an election at which a referendum can be held on an initiative petition, thereby providing that the referendum will be held at the next primary or general election occurring at least 150 days after verification of sufficient signatures by the Supervisor of Elections.

-- Specify that charter amendments appearing on the ballot be labeled using alphabet lettering (A, B, C, etc.), and placed in the following order: first, amendments proposed by the Charter Review Commission; next, amendments proposed by the County Commission; and last, amendments proposed by the initiative petition process; in each case, identifying the section of the charter being amended along with the title.

-- Provide that successful charter amendments proposed by initiative petition may not be amended or repealed for a period of one year after its effective date.

¹ This change also entails the removal of Section 603C of the Orange County Charter, which states:

C. Notwithstanding any other provision of this charter, the board is prohibited from calling a referendum on the question of the adoption of any proposed charter amendment or ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law.

Because the BCC will no longer call a referendum on an initiative petition in any event, the section will no longer be effective.

FINAL REPORT AND RECOMMENDATION
INITIATIVE PETITIONS WORK GROUP
EXHIBIT “D”

**Breakdown of Required Percentage of Registered Voters, and from How Many Districts
for Ordinances by Initiative and Charter Amendments by Initiative under Florida's 20 County Charters**

<u>Charter County</u>	<u>Population</u>	<u>Ordinance by Initiative</u> % of Reg. Voters Req. on Petition, and from How Many Commission Districts	<u>Charter Amend. by Initiative</u> % of Reg. Voters Req. on Petition, and from How Many Commission Districts
Alachua	247,337	7%, county as a whole	10%, county as a whole
Brevard	545,184	5%, county as a whole, with 5% from 3 of 5 districts	4% from each of 5 districts
Broward	1,753,162	7%, county as a whole, with no more than 25% from any one of 9 districts	7%, county as a whole, with no more than 25% from any one of 9 districts
Charlotte	160,463	10%, county as a whole	10%, county as a whole
Clay	191,143	10%, county as a whole	10%, county as a whole
Columbia	67,528	7%, county as a whole, with 7% from 3 of 5 districts	10%, county as a whole, with 10% from 3 of 5 districts
Duval	864,601	(No Ordinance by Initiative Process)	5%, county as a whole, or 10%, county as a whole, if proposed a second time within a 12 month period
Hillsborough	1,238,951	(No Ordinance by Initiative Process)	8%, county as a whole, with 8% from 2 of 4 districts
Lee	625,310	5%, county as a whole, with no more than 30% from any one of 5 districts	7%, county as a whole
Leon	276,278	10% from each of 5 commission districts	10% from each of 5 commission districts
Miami-Dade	2,516,515	4%, county as a whole, with no more than 25% from any one of 13 districts	10%, county as a whole
Orange	1,157,342	7% from each of 6 commission districts	10% from each of 4 of 6 commission districts [10% x (4/6) = 6.67%]
Osceola	273,867	7%, county as a whole	10%, county as a whole
Palm Beach	1,325,758	7%, county as a whole	7%, county as a whole
Pinellas	918,496	(No Ordinance by Initiative Process)	10%, county as a whole, with no more than 40% from any one of 3 at-large districts, and no more than 30% from any one of 4 single member districts
Polk	604,792	6% from each of 5 commission districts	7% from each of 5 commission districts
Sarasota	381,319	(No Ordinance by Initiative Process)	5%, county as a whole
Seminole	424,587	5%, county as a whole, with 5% from 3 of 5 districts	7.5%, county as a whole, with 7.5% from 3 of 5 districts
Volusia	495,400	(No Ordinance by Initiative Process)	5% from each of 5 commission districts
Wakulla	30,877	30% from each of 5 commission districts	30% from each of 5 commission districts

Memo

To: Orange County Charter Review Commission

From: Cliff Shepard; Shepard, Smith, Kohlmyer & Hand, P.A.

Date: November 20, 2019

Re: Background of Changes to Article VI of the Charter

The 2016 Amendments to Sections 601 through 603 of the Charter made a host of changes to the Orange County petition process. Below is a discussion of the amendments as well as their impact on the timeline for successfully gathering signatures for a petition.

Prior Law and the 2016 Amendments

Prior to 2016, a sponsor would submit a petition to the Supervisor of Elections for approval as to form. Once approved, the Sponsor had 180 days to secure the signatures of 10% of the electors in a majority of County commission districts. The Board was prohibited from calling a referendum on a proposed charter ordinance or initiative which, in the Board's view, would partially or wholly violate the Charter of Florida law. Otherwise, there were few procedural hurdles.

The 2016 Amendments made changes to:

- The content of the petition;
- The procedure for collecting petition signatures;
- The procedure to get the petition on the ballot; and
- The content of the ballot questions.

Current Requirements per the 2016 Amendments

Content of the Petition

Prior to gathering signatures, a sponsor of a proposed petition must register as a political committee as required by general law and submit their petition language to the Supervisor of Elections for approval. The Amendments added four requirements to the substance of the petition:

- Each petition is now limited to only one subject and matter directly connected therewith;
- All petitions must include the ballot title, summary, and full text of the change proposed;
- All petitions must include an affidavit to be signed by the petition gatherer specifying their name and address, whether and how they were paid, that the petition was signed in the gatherer's presence, that the signer had sufficient time to read the petition, and that the gatherer believes the signature to be genuine; and
- After obtaining 1% of the required signatures in each district, the Petition must be amended to add a Financial Impact Statement prepared by the Comptroller, as discussed further below.

The sponsor of the petition must also prepare and submit translations for all required ballot languages.

Collecting Petition Signatures

The 2016 Amendments add the new Subsections 602(C) and (D), regulating the collection of signatures and requiring monthly submission of petition signatures.

Subsection (C) requires any individual gathering petitions to wear a badge identifying themselves either as a "Volunteer Gatherer" or a "Paid Gatherer," depending on whether the gatherer is paid. The gatherers must individually sign the required affidavits present on each petition. If an elector signs a petition independently and submits it to a sponsor directly, the sponsor may submit the petition to the Supervisor with an accompanying affidavit stating that the petition was not collected by a gatherer, that the petition was submitted directly, and the month the petition was received.

Under Subsection (D), the sponsor must submit received petitions to the Supervisor of Elections for signature verification by the 5th of each month. This applies to both petitions collected by gatherers and those received by direct submission. The Supervisor has 30 days to verify the validity of the signatures. Once the Supervisor determines that the petition has been signed by at least 1%

of the electors of each district, it triggers three additional procedural steps, as discussed below.

Getting on the Ballot

Previously, a petition needed to be signed by 10% of the electors in a majority of the commission districts. The 2016 Amendments changed that to require 10% of electors in *each* district.

In addition to this increase in the basic requirements, the 2016 Amendments added three intermediary procedural requirements that trigger upon the sponsor obtaining the signatures of 1% of the electors in each district: (1) legal review by a panel; (2) Financial Impact review; and (3) a hearing before the Board of Commissioners. Each of these requirements are governed by Section 602(E). ***NOTE:*** The 180-day clock to complete collection of signatures is not paused or tolled while these procedures are underway.

- **Legal Review**

Section 602(E)(2) creates a new “Legal Review Panel,” to consist of three experts in local government law, procured on a semi-annual basis. Within 20 days of being notified by the Supervisor that the 1% threshold has been met, the Panel must determine whether the Petition complies with general Florida law and the requirements of the Charter. If the Panel determines that the Petition complies with the law, the Panel must provide a written opinion of that decision to the Board, the Supervisor and the sponsor. If the Panel determines that the Petition does NOT comply with the law, they must similarly provide a written opinion, which also automatically terminates the petition drive.

Note that previously the Board had this power to eliminate a petition by finding that the petition violated Florida law or the charter.

- **Financial Impact Review**

Section 602(E)(3) provides for review of the Petition by the Comptroller for financial impact. Within 20 days of being notified by the Supervisor that the 1% threshold has been met, the Comptroller must prepare and transmit to the Board, Supervisor and the sponsor a financial impact statement of not more than 75 words discussing the increase or decrease in costs or revenues to the County. Upon receiving the financial impact statement, the sponsor must submit a revised petition including that statement to the Supervisor, who then has fifteen days to determine whether the revised petition complies with the law.

The sponsor must then collect at least 75% of the required signatures using this revised petition. It appears that this means 75% of the minimum *in total*, rather than the minimum *for each district*.

- **Public Hearing**

Within 60 days of the Legal Review Panel notifying the Board that the petition is legally compliant, the Board must hold a hearing at which the sponsor, the Board and the public may comment on the petition. It does not appear that the Board may override the Panel's opinion on legality at the hearing.

Content of Ballot Questions

As previously mentioned, the ballot questions are now limited to a single subject and matter under Subsection 602(A). The financial impact statement prepared by the Comptroller, in addition to appearing on the petition, must also appear on the ballot itself.

Timeline under Current Law

The Petition drive, upon being initially approved by the Supervisor, automatically terminates after 180 days if an insufficient number of signatures were collected. The 2016 amendments did not change this basic timeline except to state that the signatures must be *submitted*, not just acquired, within this 180-day timeframe. However, the timeline has changed primarily due to the new procedural steps required under Section 602. As discussed above, the 180-day clock is not paused or tolled while the County evaluates the Petition under the new procedural steps, thus giving an abbreviated window to collect at least 75% of the required signatures.

The following is a timeline for a hypothetical 2020 petition where the County administrative process takes the maximum time allowed:

- Sponsor registers as political committee (if required) and submits proposed petition language, including translations, to the Supervisor.
- January 1: Supervisor of Elections Approves proposed petition language.
 - Sponsor may now begin collecting signatures, 180-day clock begins.
- February 1: Sponsor submits January's gathered signatures to Supervisor per monthly reporting under Subsection 602(D). The signatures consist of at least 1% of the electors of each commission district.

- March 2¹: Deadline for Supervisor to verify the signatures and thereby notify the Board, Comptroller and Legal Review Panel that the 1% threshold has been met under 602(E)(1).
- March 22: Deadline for Legal Review Panel to issue decision and for Comptroller to provide Financial Impact Statement.
- March 22: Sponsor immediately returns revised petition to Supervisor, adding the Financial Impact Statement.
- April 6: Supervisor approves revised petition.
 - Sponsor now has 84 days to collect at least 75% of the minimum signatures required.
- May 21: Board holds public hearing on the Petition.
- June 29: Petition period ends if insufficient signatures have been submitted. Note that the sponsor need only submit the final collected signatures at this point, the Supervisor can verify the final signatures after the 180-day deadline has passed.

Once the Supervisor has verified that sufficient signatures have been collected, the amendment either goes directly to a referendum at the next primary or general election more than 150 days following verification (in the case of a charter amendment), or it goes to the Board for potential approval (in the case of an ordinance).

¹ Note in a non-leap year this would be March 3, and each subsequent date would be moved one day later.



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**Re: Orange County, Florida Charter Amendment
Approved by Voters on November 8, 2016**

Dear Sir or Madam:

Please allow this correspondence to serve as Orange County Government's request to update the text of its Charter. On November 8, 2016, a majority of Orange County, Florida voters approved the following amendment to the Orange County Charter (underlined text indicates additions to, while ~~strike through~~ text indicates deletions from, the Orange County Charter):

County Charter Amendment Question #1:

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 ~~a majority of the commission districts~~ as of January 1 of the year in which the petition is initiated. No less than 75% 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.

- B. *Ordinance.* A petition seeking to enact, amend 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 75% 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.

Sec. 602. - Procedure for initiative and referendum.

A. *Initiation and Overview of Process*

The sponsor of an initiative petition shall register as a political committee as required by general law, and shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. Concurrent with this submission, the sponsor of an initiative petition shall prepare and submit translations of the ballot title and ballot summary into those languages required by law for placement on the ballot. Within fifteen (15) days after the aforementioned submittals, the supervisor of elections shall render a determination on the form on which signatures will be affixed. Each initiative petition shall embrace but one subject and matter directly connected therewith. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired submitted during that one-hundred-eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are obtained submitted during that one-hundred-eighty-day (180) period, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

B. Form of Petition

The form on which signatures will be affixed shall contain the ballot title, ballot summary, and full text of the charter or ordinance change proposed. Such form shall also contain an affidavit to be completed by a petition gatherer, signed and verified by the petition gatherer under penalty of perjury pursuant to Section 92.525(1) (c), Fla. Stat., for each petition gathered by that petition gatherer. Such affidavit shall specify the name and address of the petition gatherer who gathered the petition, whether the petition gatherer was a paid petition gatherer or a volunteer petition gatherer, and if paid, whether paid on an hourly basis, a per-signature basis, or some other basis therein described. Such affidavit shall also specify that the petition was signed in the petition gatherer's presence, that the petition signer had sufficient time to read the petition language, and that the petition gatherer believes the signature on the petition to be the genuine signature of the petition signer.

C. Petition Gathering

As used in this Charter, "petition gatherer" means any individual who gathers signatures in person for a county initiative petition. A petition gatherer gathering signatures for a county initiative petition who is not being paid to do so shall display a badge that states the words "VOLUNTEER GATHERER", in a form and manner specified by ordinance. A petition gatherer gathering signatures for a county initiative petition who is being paid to do so shall display a badge that states the words "PAID GATHERER", in a form and manner specified by ordinance. The petition gatherer shall sign and verify under penalty of perjury pursuant to Section 92.525(1) (c), Fla. Stat. the affidavit required on the petition form for each petition gathered by the petition gatherer. Petitions signed by an elector but not gathered by a petition gatherer shall not be required to have a completed petition gatherer's affidavit, but such petitions shall be submitted by the sponsor to the supervisor of elections with an accompanying statement signed and verified under penalty of perjury pursuant to Section 92.525(1)(c), Fla. Stat., averring that such accompanying petitions were submitted by the signing elector directly to the sponsor and were not collected by a petition gatherer, and stating the month during which such petitions were received by the sponsor.

D. Submission of Signed Petitions Gathered by Petition Gatherers:
Verification of Requisite Signatures

The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the supervisor of elections for signature verification no later than the fifth day of the following month. The supervisor of elections shall verify the validity of signatures for each signed petition submitted within thirty (30) days after submittal to the supervisor of elections. No signature shall be valid unless handwritten and submitted on a paper petition form completed and submitted in a manner consistent with this section. The supervisor of elections shall post a running tally of the number of signatures verified for each initiative petition on the supervisor of elections' website for public view. Otherwise valid signatures not timely submitted to the supervisor of elections shall not be counted towards the total number of signatures required under Section 601.

E. Legal Review, Financial Impact, Public Hearing

1. One Percent Threshold. Upon verification by the supervisor of elections that a petition has been signed by at least one (1) percent of the county electors in each commission district, the supervisor of elections shall so notify the board, the comptroller and the Legal Review Panel.
2. Legal Review Panel. The Legal Review Panel shall be a panel of three (3) persons licensed to practice law in the state of Florida who have demonstrated experience in Florida local government law, and who shall be selected on a bi-annual basis through the county's procurement process applicable to legal services. The Legal Review Panel shall meet and render a determination, within twenty (20) days after notification pursuant to Section 602 E. 1. by the supervisor of elections, whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one subject and matter directly connected therewith, and is

not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter. If at least two (2) members of the Legal Review Panel determine that the proposed initiative petition embraces but one subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the Legal Review Panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the board, the supervisor of elections, and the sponsor of the petition. If at least two (2) members of the Legal Review Panel determine that the proposed initiative petition does not embrace but one subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the Legal Review Panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the board, the supervisor of elections, and the sponsor of the petition. In such case, the petition drive shall thereafter terminate, and none of the signatures acquired in such a petition drive may be carried over onto another petition.

3. *Financial Impact Statement.* Within twenty (20) days after notification pursuant to Section 602 E. 1. by the supervisor of elections, the comptroller shall prepare and transmit to the board, supervisor of elections, and the sponsor of the petition, a financial impact statement, not exceeding seventy-five (75) words, including the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the approval of the proposed initiative petition. The comptroller shall also prepare translations of the financial impact statement into those languages required by law for placement on the ballot. Upon receipt of the financial impact statement, the sponsor of the petition shall prepare and submit to the supervisor of elections for review and approval a revised petition form containing the financial impact statement.

which statement shall be separately contained and placed immediately following the ballot summary. The supervisor of elections shall, within fifteen (15) days after submittal of the revised petition form containing the financial impact statement, render a determination on the form of the revised petition.

4. Public Hearing. Within sixty (60) days after notification of legality by the Legal Review Panel, the board shall hold a public hearing on the petition, at which the sponsor of the initiative petition, the board, and the public may comment on the petition.

F. Termination of Petition Drive by Sponsor; Withdrawal of Signature by Petition Signer

A sponsor of an initiative petition may terminate a petition drive by filing with the supervisor of elections a completed initiative termination form promulgated by the supervisor of elections. Prior to final verification of sufficient signatures for an initiative petition by the supervisor of elections, a petition signer may withdraw his or her signature by filing with the supervisor of elections a completed signature withdrawal form adequately identifying the petition signer and petition drive, promulgated by the supervisor of elections and available to print from the supervisor of elections' website.

G. Referendum

- A. — 1. Charter. ~~Within thirty (30) days a~~ After the requisite number of ~~names~~ signatures have been verified by the supervisor of elections ~~and reported to the board, the board shall, by resolution, call a referendum shall be held~~ on the question of the adoption of the proposed petition ~~to be held~~ at the next primary, or general ~~or special~~ election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary. If the question of the adoption of the proposed petition is approved by a majority

of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year. A charter amendment adopted by initiative may not be amended or repealed for a period of one (1) year after its effective date.

B.—2. Ordinance. Within thirty (30) days after the requisite number of ~~names—signatures~~ have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, the board shall so notify the supervisor of elections, and it shall, by resolution, call a referendum shall be held on the question of the adoption of the proposed petition ~~to be held~~ at the next primary, or general or ~~special~~ election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the supervisor of elections. The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the corresponding ballot summary. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

C.—3. The initiative power shall not be restricted, except as provided by general law and this Charter.

4. Charter amendments and ordinances by initiative appearing on the ballot shall be numbered using alphabet lettering and placed in the following order: first, charter amendments proposed by the Charter review commission; next, charter amendments proposed by the board; next,

charter amendments proposed by initiative petition; and last, ordinances by initiative. In each case, the article and section of the charter or code of ordinances being created or amended shall be stated along with the title.

Sec. 603. - Limitation.

- A. The power to enact, amend or repeal an ordinance by initiative shall not include ordinances relating to administrative or judicial functions of county government, including but not limited to, county budget, debt obligations, capital improvement programs, salaries of county officers and employees and the levy and collection of taxes.
- B. The power to amend this charter by initiative, or to enact, amend or repeal an ordinance by initiative, shall not extend to the regulation of employer wages, benefits or hours of work, the encumbrance or allocation of tax revenues for any purpose not then authorized by law, or the encumbrance or allocation of tax revenues conditioned upon a prospective change in Florida law.
- ~~C. Notwithstanding any other provision of this charter, the board is prohibited from calling a referendum on the question of the adoption of any proposed charter amendment or ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law.~~
- DC. Notwithstanding any other provision of this charter, the board is prohibited from declaring enacted any ordinance by initiative which, in the determination of the board, is wholly or partially violative of the limitations of this section or Florida law.

If there are any questions regarding this information, please don't hesitate to contact my office. For your use and reference, enclosed, please find the Orange County Supervisor of Elections certification of the votes.

Thank you for your attention to this matter.

Sincerely,



Kate Latorre
Assistant County Attorney

Enclosures: Certification of Orange County Supervisor of Elections

Copy: Phil Diamond, CPA, Orange County Comptroller
Jeffrey Newton, Orange County Attorney

*** Official ***
**CERTIFICATE OF COUNTY CANVASSING BOARD
ORANGE COUNTY**

We, the undersigned, JEANETTE BIGNEY, Chair, County Judge, BRYAN NELSON, County Commissioner, TANYA WILSON, County Judge, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2016 A.D., and proceeded publicly to canvass the votes given for the Proposed Amendments to the Constitution of the State of Florida and referendums on the Eighth day of November, 2016 A.D. as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

**NO. 1
CONSTITUTIONAL AMENDMENT
ADD NEW SECTION 29 TO ARTICLE X
RIGHTS OF ELECTRICITY CONSUMERS REGARDING
SOLAR ENERGY CHOICE**

This amendment establishes a right under Florida's constitution for consumers to own or lease solar equipment installed on their property to generate electricity for their own use. State and local governments shall retain their abilities to protect consumer rights and public health, safety and welfare, and to ensure that consumers who do not choose to install solar are not required to subsidize the costs of backup power and electric grid access to those who do.

Yes for Approval	248,500	votes
No for Rejection	268,303	votes

**NO. 2
CONSTITUTIONAL AMENDMENT
ARTICLE X, SECTION 29
USE OF MARIJUANA FOR DEBILITATING MEDICAL
CONDITIONS**

Allows medical use of marijuana for individuals with debilitating medical conditions as determined by a licensed Florida physician. Allows caregivers to assist patients' medical use of marijuana. The Department of Health shall register and regulate centers that produce and distribute marijuana for medical purposes and shall issue identification cards to patients and caregivers. Applies only to Florida law. Does not immunize violations of federal law or any non-medical use, possession or production of marijuana.

Yes for Approval	384,133	votes
No for Rejection	141,221	votes

**NO. 3
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6 & ARTICLE XII
TAX EXEMPTION FOR TOTALLY AND PERMANENTLY
DISABLED FIRST RESPONDERS**

Proposing an amendment to the State Constitution to authorize a first responder, who is totally and permanently disabled as a result of injuries sustained in the line of duty, to receive relief from ad valorem taxes assessed on homestead property, if authorized by general law. If approved by voters, the amendment takes effect January 1, 2017.

Yes for Approval	447,687	votes
No for Rejection	65,102	votes

*** Official ***
CERTIFICATE OF COUNTY CANVASSING BOARD
ORANGE COUNTY

NO. 5
CONSTITUTIONAL AMENDMENT
ARTICLE VII, SECTION 6 & ARTICLE XII
HOMESTEAD TAX EXEMPTION FOR CERTAIN SENIOR,
LOW-INCOME, LONG-TERM RESIDENTS; DETERMINATION
OF JUST VALUE

Proposing an amendment to the State Constitution to revise the homestead tax exemption that may be granted by counties or municipalities for property with just value less than \$250,000 owned by certain senior, low-income, long-term residents to specify that just value is determined in the first tax year the owner applies and is eligible for the exemption. The amendment takes effect January 1, 2017, and applies retroactively to exemptions granted before January 1, 2017.

Yes for Approval	409,514	votes
No for Rejection	97,879	votes

CHARTER AMENDMENT QUESTION #1

Yes for Approval	313,519	votes
No for Rejection	156,466	votes


CHARTER AMENDMENT QUESTION #2

Yes for Approval	334,641	votes
No for Rejection	148,819	votes

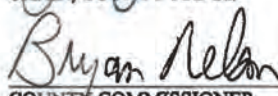
CHARTER AMENDMENT QUESTION #3

Yes for Approval	331,075	votes
No for Rejection	138,521	votes


We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.

 11/18/2016

CHAIR, COUNTY JUDGE

 11-18-16

COUNTY COMMISSIONER

 11-18-16

COUNTY JUDGE

APPROVED
BY ORANGE COUNTY BOARD
OF COUNTY COMMISSIONERS

JUL 29 2014 KH/BS

ORDINANCE NO. 2014-19

EFFECTIVE DATE

JUL 31 2014

AN ORDINANCE PERTAINING TO THE ORANGE COUNTY CHARTER; AMENDING SECTION 602, PROCEDURE FOR INITIATIVE AND REFERENDUM, RELATED TO PROCEDURAL TIME-FRAMES FOR CHARTER AND ORDINANCE AMENDMENTS BY INITIATIVE; CALLING A REFERENDUM ON THE PROPOSED CHARTER AMENDMENT; PROVIDING THE BALLOT TITLE AND SUMMARY FOR THE REFERENDUM; CONDITIONING THE EFFECTIVENESS OF THE CHARTER AMENDMENT ON VOTER APPROVAL AT THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATES.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
ORANGE COUNTY, FLORIDA:

Section 1. Charter Amendment. Section 602 of the Orange County Charter is amended to read as follows:

Sec. 602. Procedure for initiative and referendum.

The sponsor of an initiative petition shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form may be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. In the event sufficient signatures are not acquired during that one hundred eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition. If sufficient signatures are obtained, the sponsor shall submit signed and dated forms to the supervisor of elections who shall within thirty (30) days verify the signatures thereon and submit a written report to the board.

A. Charter. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) ~~forty-five (45)~~ days after verification of sufficient signatures by the supervisor of elections ~~the adoption of such resolution~~. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1 of the succeeding year.

B. Ordinance. Within thirty (30) days after the requisite number of names have been verified by the supervisor of elections and reported to the board, the board shall notice and hold a public hearing on the proposed petition according to law and vote on it. If the board fails to adopt the proposed petition, it shall, by resolution, call a referendum on the question of the adoption of the proposed petition to be held at the next primary, general or special election occurring at least one hundred fifty (150) ~~forty-five (45)~~ days after verification of sufficient signatures by the supervisor of elections ~~the adoption of such resolution~~. If the question of the adoption of the proposed petition is approved by a majority of those registered electors voting on the question, the proposed petition shall be declared by resolution of the board to be enacted and shall become effective on the date specified in the petition, or, if not so specified, on January 1, of the succeeding year. The board shall not amend or repeal an ordinance adopted by initiative for a period of one (1) year after the effective date of such ordinance.

C. The initiative power shall not be restricted, except as provided by general law and this Charter.

Section 2. Referendum Called. Pursuant to its authority and duty under Article VII of the Orange County Charter, the Board of County Commissioners calls a referendum on the amendment to the charter set forth in Section 1. The referendum shall be held at the general election to be held on November 4, 2014. The ballot title and ballot summary for the referendum shall be as follows:

**COUNTY CHARTER AMENDMENT REGARDING
ELECTIONS ON CITIZEN PETITION INITIATIVES**

For the purpose of allowing citizens more time to consider referendum elections on initiative petitions and to provide certainty regarding petition submittal requirements, shall the Orange County Charter be amended to require petition initiatives to have sufficient signatures verified at least 150 days prior to the next primary, general or special election?

_____ Yes

_____ No

Section 3. Severability. If any section, subsection, sentence, clause, or provision of this ordinance or the application thereof to any person or circumstance is held invalid for any reason, the invalidity shall not affect any other provision or application of this ordinance, and to this end the provisions of this ordinance are declared severable.

Section 4. Effective Date. This ordinance shall take effect upon its enactment. However, the amendment to the Orange County Charter in Section 1 shall take effect only if and when approved by a majority of the electors voting in the referendum called by the Board in Section 2.

ADOPTED THIS 29th DAY OF July, 2014.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: *Teresa Jacobs*
Teresa Jacobs
County Mayor

ATTEST: Martha O. Haynie, Orange County Comptroller
As Clerk of the Board of County Commissioners

By: *Latel Haynie*
Deputy Clerk



MEMORANDUM

To: 2020 Charter Review Commission (CRC)

From: M. Soraya Smith, Chair, Citizen Initiated Charter and Ordinance Amendment Process Committee

Re: Approval for Extended Topic Review

Date: January 24, 2020

ORIGINAL OBJECTIVE

Evaluate citizen-initiated charter amendments & repeals to lower the petition threshold (currently 10%)
Evaluate citizen-initiated amendments, enactments, and repeals to lower the petition threshold (currently 7%)

BACKGROUND

Members of the CRC Committee on Citizen Initiated Charter and Ordinance Amendment Process convened on January 8, 2020, 4:00 p.m., to further discuss findings from a variety of resources surrounding the study of lowering the petition threshold for citizen-initiated Charter and Ordinance amendments, enactments and repeals. Following the review of submitted data, historical documents (Supervisor of Elections, League of Women voters) proposal summary review from member Vilchez Santiago, CRC Legal Counsel, and public comment, the committee has moved to not make any changes to the existing threshold percentages outlined in the current Citizen Initiated Charter and Ordinance Amendment Process.

The provided historical documents, legal summaries, data, and citizen input did subsequently highlight the limiting components of the currently outlined 180-day processes/timeline in Orange County Charter (Article VI Section 601) available for Orange County citizens. Therefore, the Citizen Initiated Charter and Ordinance Amendment Process Committee moves to continue its work to ensure this process in no way limits citizens from successfully carrying out a citizen-initiated charter or ordinance amendment petition including tolling considerations given the multiple county departments required to move forward in this petition process (Supervisor of Elections, County Board of Commissioners, Comptroller's Office and the appointed Legal Review Panel).

ACTION REQUESTED

The Citizen Initiated Charter and Ordinance Amendment Process Committee of the 2020 CRC requests authority from the full CRC to look at all aspects of the 180-day timeline limitation as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative petition.

For your quick reference, I have attached a copy of the Petition Timeline as provided by the Supervisor of Elections Office-Bill Cowles on December 2, 2019, extracted from Attachment H page 6.

/Attachment



Memo

February 27, 2020

To: Members of the Citizen-Initiated Charter and Ordinance Amendment Process

From: Patrick Brackins

CC: charter2020@occompt.com

Issue: Is the Supervisor of Elections' *Petition Timeline* accurate where it states the “Board” will render a decision on a petition twenty (20) days after being notified by the Supervisor of Elections that the sponsor has reached the 1% threshold?

Answer: No. The decision being referenced in the memo is actually a reference to the decision to be rendered by the legal review panel, which the Supervisor incorrectly calls “the board.”

At the February 19, 2020 meeting of the Citizen-Initiated Charter and Ordinance Amendment Process Committee (the “Committee”), it was provided with a December 2, 2019 letter and package from Bill Cowles, the Orange County Supervisor of Elections (the “SOE”). Included within the package, at Attachment H, is a “Petition Timeline” setting forth the scheduling milestones contained in the 2016 Charter Revisions. The Petition Timeline is not part of the charter or an ordinance, but is simply a document prepared by the SOE describing the charter’s deadlines and requirements for citizen initiatives. Attached hereto as Exhibit 1 is a composite exhibit containing the SOE’s correspondence and the Petition Timeline.

A question arose from the Committee regarding the following language in the Petition Timeline: “Upon reaching the 1% threshold, the SOE shall notify the board. The board shall render its decision within twenty days after notification.” The Committee appeared to believe that the Petition Timeline’s use of the term “board” in the above excerpt meant the Board of County Commissioners (the “BCC”). This was a reasonable interpretation because two lines later the Petition Timeline’s use of the term “board” unquestionably refers to the BCC. The Committee presumed that the Petition Timeline accurately

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reflected the law as it exists in the charter and questioned why the BCC would render a decision early in the process and then hold a public hearing later in the process.

At the meeting, general counsel advised the Committee that it appeared the SOE's Petition Timeline used imprecise language when describing the legal review process contained in the charter. The Committee asked general counsel to examine the accuracy of the language contained in the SOE's Petition Timeline and to provide a memorandum regarding same.

The language used by the SOE, specifically the reference that "[t]he board shall render its decision within twenty days after notification," is incorrect. Section 602(E)(1) of the Charter provides:

One (1) percent threshold: Upon verification by the [SOE] that a petition has been signed by at least one (1) percent of the county electors in each commission district, the [SOE] shall so notify the board, the comptroller and the legal review panel. (Emphasis added).

The Petition Timeline accurately states that SOE will notify the board, meaning the BCC, but then skips over the precise role played by the Legal Review Panel. Immediately thereafter, subsection (E)(2) of the charter provides that the Legal Review Panel (not the BCC):

[S]hall meet and render a determination, within twenty (20) days after notification [from the SOE] whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith and is not inconsistent with the Florida Constitution, general law, or the restriction of the Charter.

Sec. 602(E)(2) (emphasis added). Thus, when the SOE's Petition Timeline refers to the "board" in the statement "[t]he board shall render its decision within twenty days after notification," the SOE meant to refer to the Legal Review Panel, rather than the BCC, which renders its decision on legal sufficiency under the charter within twenty (20) days after being notified by the SOE that a sponsor has reached the 1% threshold.

The Legal Review Panel consists of "a panel of three (3) persons licensed to practice law in the State of Florida who have demonstrated experience in Florida local government law, and who shall

be selected on a bi-annual basis through the county's procurement process applicable to legal services." *Id.* The Charter further provides:

If at least two (2) members of the legal review panel determine that the proposed initiative petition does not embrace but one (1) subject and matter directly connected therewith, or is inconsistent with the Florida Constitution, general law, or the restrictions of the Charter, then the legal review panel shall render a written opinion setting forth its determination and the reasons therefor, and shall so notify the [BCC], the [SOE], and the sponsor of the petition.

Id. In the event the Legal Review Panel issues a negative opinion as to legality, then "the petition drive shall thereafter terminate, and no of the signatures acquired in such a petition drive may be carried over onto another petition." *Id.*

The BBC does not become involved until after the SOE, Legal Review Panel, and Comptroller conduct their respective responsibilities under the Charter. Then, "[w]ithin sixty (60) days after notification of legality by the legal review panel, the [BCC] shall hold a public hearing on the petition, at which the sponsor of the initiative petition, the [BCC], and the public may comment on the petition." *Id.* at Sec. 602(E)(4). The Charter does not provide further details regarding the public hearing. However, the charter is clear that BCC only holds one (1) public hearing sixty (60) days after being notified of the Legal Review Panel's legality determination and the BCC does not render a separate decision twenty (20) days after it receives notification that the sponsor has reached the 1% threshold. Accordingly, the "board" referred to in that portion of the SOE's Petition Timeline quoted above refers to the Legal Review Panel and not the BCC.

Exhibit 1

BILL COWLES
Supervisor of Elections
Orange County, Florida



OUR MISSION IS TO:

Ensure the integrity of the electoral process.
Enhance public confidence.
Encourage citizen participation.

To: Cliff Sheppard, Orange County CRC Legal Counsel
From:  Bill Cowles, Orange County Supervisor of Elections

Date: December 2, 2019

Re: Orange County Initiative Petition History

Prior to the 2016 Charter Revisions-

1. July 1, 1997, "Petition to Enact an Ordinance in Orange County, FL." **(Attachment A)**
Petition was not approved. See memo from County Attorney's office.
2. February 18, 2004, "To elect the office of Chief of Orange County Jail." **(Attachment B)**
Petition was approved. No petitions were submitted.
3. May 31, 2012, "Petition to Place Orange County Ordinance for Earned Sick Time for Employees of Business in Orange County." **(Attachment C)**
Petition was approved. A total of 73,841 petitions were submitted.
4. October 16, 2012, "Changing Elections for Charter Office from Nonpartisan to Partisan Elections and Removing Run-off Provision." **(Attachment D)**
Petition was approved. A total of 15,745 petitions were submitted prior to disbandment.
5. December 19, 2013, "Petition to Place Orange County Charter Amendment on Use of Tourist Development Tax on Ballot." **(Attachment E)**
Petition was approved. No petitions were submitted.
6. February 24, 2014, "Petition to Place Orange County Charter Amendment Regarding Save Our Children from Common Core." **(Attachment F)**
Petition was approved. No petitions were submitted.

After the 2016 Charter Revisions-

1. April 26, 2018, "R.U.R.A.L. Boundary Petition Initiative." **(Attachment G)**
Petition was approved. No petitions were submitted.

Also find enclosed charter initiative petition forms and petition timelines effective subsequent to the 2016 Charter Revisions. **(Attachment H)**.

Cc: Soraya Smith, Chair, CRC Citizen Initiative Subcommittee
Katie Smith, Deputy Clerk, Orange County Comptroller Office

119 West Kaley Street, Orlando ■ Reply to: Post Office Box 562001, Orlando, Florida 32856
Phone (407) 836-2070 ■ Fax (407) 254-6596 ■ TDD (407) 422-4833 ■ Internet: www.ocfelections.com

Attachment H

Petition _____

Ballot Title _____

Sponsoring Political Committee _____

Petition Timeline-

Initiative petition sponsors must register as a PAC and, prior to obtaining any signatures, shall submit the text of the proposed petition to the SOE, with the form on which signatures will be affixed, and shall obtain the approval of the SOE of such form. **Text Submittal Date-** _____

SOE shall make a determination regarding the approval of the form within fifteen days. **SOE Approval Date-** _____

The date of approval by the SOE marks the beginning of the 180 day time frame for the petition drive, after which the petition drive shall terminate. **180 Day Termination Date-** _____

If sufficient signatures are submitted, the SOE shall within thirty days thereafter verify the signatures therein and submit a written report to the board. **SOE Written Report Submittal Date-** _____

The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the SOE for signature no later than the fifth day of the following month. The SOE shall verify the validity of signatures for each signed petition within thirty days after submittal.

Upon reaching the 1% threshold, the SOE shall notify the board. The board shall render its decision within twenty days after notification. SOE Board Notification Date- _____ **Board Decision Date-** _____

After notification by the SOE regarding the 1% threshold, the comptroller shall, within twenty days after notification, prepare and transmit a financial impact statement. The sponsor of the petition shall then submit a revised petition form containing the financial impact statement to the SOE. The SOE shall, within fifteen days after submittal of the revised petition containing the financial impact statement, render a determination.

Comptroller Financial Impact Statement Date- _____ **SOE Revision Determination Date-** _____

Within sixty (60) days after notification of legality by the Legal Review Panel, the board shall hold a public hearing on the petition. **Public Hearing Date-** _____

Referendum

Charter- After the requisite number of signatures have been verified by the SOE, a referendum shall be held on the question of adoption of the proposed petition at the next primary, or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.

Ordinance- Within thirty (30) days of the requisite number of signatures have been verified by the SOE, the board shall notice a public hearing on the proposed petition and vote on it. If the board fails to adopt the proposed petition, the board shall notify the SOE a referendum shall be held on the adoption of the proposed petition at the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.



Memo

Date: April 14, 2020

To: Members of the Citizen-Initiated Charter and Ordinance Amendment Process

From: Patrick Brackins

CC: charter2020@occompt.com

Re: What are the precise deadlines for the principals involved in the 180-day process?

1. There is no deadline for the sponsor to present the Supervisor of Elections ("SOE") with the proposed petition. After registering "as a political committee as required by general law," but before obtaining any signatures, the sponsor must submit the text to the SOE and the form where signatures will be placed for approval by the SOE. Sec. 602(A).

2. The SOE has fifteen (15) days after the sponsor submits the petition and signature form to "render a determination on the form on which signatures will be affixed." The date the SOE approves the form on which signatures will be submitted is the date the 180-day period begins to run. Sec. 602(A).

3. Once approved, the sponsor must submit all signed petitions during the month in which they were received to the SOE for signature verification no later than the fifth day of the following month. Sec. 602(D).

4. There is no deadline, other than the 180-day deadline, for the sponsor to reach the 1% threshold. If the sponsor doesn't meet all criteria within the 180-day deadline, then

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the petition is null and void. However, the SOE is required to “post a running tally of the number of signatures verified for each initiative petition on the SOE’s website for public view.” Each month when signatures are submitted, the SOE “shall verify the validity of the signatures for each petition submitted within 30-days after submittal to the SOE.” Thus, there is natural delay where the sponsor submits signatures gathered during the month and then the SOE has 30-days to verify those signatures while keeping a running tally on the SOE’s website.

5. There is no deadline, other than the 30-day deadline to verify signatures, for the SOE to notify the County Commission, the Comptroller, and Legal Review Panel that the sponsor has reached the one (1%) percent threshold. Sec. 602(E).

6. The Legal Review Panel must render a legal determination within twenty (20) days. After receiving notice of the 1% threshold by the SOE, the Legal Review Panel has twenty days to render a decision as to “whether the proposed initiative petition, including ballot title, ballot summary, proposal language, and ballot language translations, embraces but one (1) subject and matter directly connected therewith, and is not inconsistent with the Florida Constitution, general law, or the restrictions of the Charter.” If the Legal Review Panel finds the proposal is inconsistent or embraces more than one subject, it must render a written opinion and notify the board, the SOE and the sponsor. The petition then terminates. If the Legal Review Panel finds the proposal is consistent and embraces only one subject, then it issues a written opinion and notifies the board, the SOE and the sponsor. Sec. 602(E)(1)-(2).

7. The Comptroller has twenty (20) days to prepare a financial impact statement after being notified by the SOE that the sponsor has reached the 1% threshold. The financial

impact statement may not exceed seventy-five (75) words and must be transmitted to the board, the SOE and the sponsor. Sec. 602(E)(3).

8. The Twenty (20) day deadlines for the Legal Review Panel and the Comptroller run concurrently. Sec. 602(E)(1)-(3).

9. Once the sponsor receives the financial impact statement, the sponsor is required to prepare and submit to the SOE for review and approval a revised petition form containing the financial impact statement. Sec. 602(E)(3).

10. The SOE has fifteen days after the revised petition is submitted to render a determination on the form of the revised petition. Sec. 602(E)(3). This determination is limited to the sufficiency of the form of the revised petition similar to the sufficiency review performed by the SOE in paragraph 2 above.¹

11. The Board of County Commissioners has sixty (60) days from the date it received notice of the Legal Review Panel's determination to hold a public hearing on the petition, at which the sponsor, the Board, and the public may comment on the petition. Sec. 602(E)(4).

A shorthand version of the timeline and deadlines is as follows:

1. Sponsor submits original proposed petition and signature form to SOE;
2. SOE has 15 days from the date of submittal to approve the form;

¹ "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." Sec. 601(A). This provision is significant because it means that the sponsor cannot simply continue to gather signatures on the original petition forms while the review is undertaken but must wait until the new form is approved, thus wasting valuable time in the signature collection process.

3. 180-day period begins on the date the SOE approves the form of the original petition;
4. Petitioner then gathers signatures until 1% threshold is met;
5. Each month the sponsor must submit signatures to SOE for verification and SOE has 30 days to verify signatures. This 30-days is not directly connected to or contingent upon the other deadlines;
6. Once SOE determines the 1% threshold is met it notifies the Board, the Legal Review Panel, and the Comptroller;
7. Other than the thirty (30) days deadline the SOE has each month to verify signatures, there is no independent deadline stating how much time the SOE has to notify the Board, the Legal Review Panel and the Comptroller that the 1% threshold has been met;
8. Legal Review Panel has twenty (20) days to render a decision after receiving notice of the 1% threshold from the SOE;
9. The Comptroller has twenty (20) days to render a financial impact statement after receiving notice of the 1% threshold from the SOE;
10. Once the sponsor receives the financial impact statement it is required to submit a revised petition to the SOE. (No deadline for sponsor);
11. Once the SOE receives the revised petition it has fifteen (15) days to determine whether the revised form is valid. 75% of all required petition signatures must be on the revised petition;
12. The Board has sixty (60) days from the date it is notified by the Legal Review Panel that the petition is consistent and embraces but one subject to hold a public hearing where the sponsor, the Board and the public may be heard; and

13. The SOE continues to verify signatures until the sponsor reaches the required 10% threshold or withdraws the petition; or if the Legal Review Panel renders a negative determination the petition terminates.

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 October 22, 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 voters ³	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	158,625	15,863	11,104
District 2	131,410	13,141	9,199
District 3	142,287	14,229	9,961
District 4	156,514	15,652	10,956
District 5	150,774	15,078	10,555
District 6	103,041	10,305	7,129
County Total	842,651	84,268	58,904

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.

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 October 1, 2019.

³ As of October 1, 2019.

That means that in order to reach the 84,268 petitions to place a citizen-initiated charter amendment question on the ballot, the proposing party/team would need about 28,089 hours of work,⁴ 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 difficult to achieve. If that's the case, the proposing party/group would need about 702 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 most Orange County political campaigns.

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 \$421,335 to just cover canvassing costs.⁶ This is again without taking into account planning and organizing costs. In a best case scenario situation, a proposing party/group would implement a strategy that combines volunteers and paid canvassers. Yet, even in that case, the costs could still range in the hundreds of thousands of dollars, making it almost impossible for any true grassroots community groups to successfully propose a charter amendment.

As well, given the 7 percent petition threshold, those proposing citizen-initiated ordinance amendments face a similar situation. In fact, in order to gather 58,904 qualifying petitions, an ordinance amendment proposing party/group would need to spend about 19,635 hours door knocking,⁷ requiring about 491 committed volunteers who spend at least 40 hours collecting petitions.⁸ If instead of volunteers the proposing team/group utilizes paid canvassers, they are expected to spend about \$295,000 just to cover petition-gathering efforts.⁹ Once again, the petition-gathering process appears too expensive for regular citizens and grassroots organizations 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 unnecessarily 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).

⁴ 84,268 petitions divided by 3 petitions per hour estimate = 28,089.3

⁵ 28,089 hours of work divided by 40 hours per volunteer = 702.2

⁶ \$15 per hour times 28,089 hours required to collect all petitions = \$421,335

⁷ 58,904 petitions divided by 3 petitions per hour estimate = 19,634.7

⁸ 19,635 hours of work divided by 40 hours per volunteer = 490.9

⁹ \$15 per hour times 19,635 hours required to collect all petitions = \$294,525

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

- **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).

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](#)).

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)

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).



November 6, 2019

2020 Orange County Charter Review Commission

Dear Chairman Evans and Members of the Charter Review Commission:

The Co-Presidents of the League of Women Voters of Orange County (LWVOC) cannot attend tonight's Charter Review Commission (CRC). Please accept and read into the record this letter in lieu of our personal appearance.

The League supports the citizen initiative process as a means to amend the Orange County Charter. The Citizen Initiative amendment approved in 2016 is too restrictive. Therefore,

1. We feel strongly that the citizen initiative proposal put forth by CRC Member Vilchez-Santiago deserves further consideration and study, despite the memo sent to you by your General Counsel Cliff Sheppard.
2. We believe that a committee to consider citizen initiative proposals and their important role in our Orange County Charter should be created.
3. As the individual who has worked most in depth on this issue, we urge the CRC to appoint Member Vilchez Santiago to this committee and serve as the chair.

Thank you for accepting this letter in lieu of our personal appearance and commentary.

Sincerely yours,

Gloria Pickar

Dr. Gloria Pickar, Co-President

Sandi Vidal

Sandi Vidal, Co-President

MEMORANDUM

To: 2020 Charter Review Commission (CRC)

From: M. Soraya Smith, Chair, Citizen Initiated Charter and Ordinance Amendment Process Committee

Re: Approval for Extended Topic Review

Date: January 24, 2020

ORIGINAL OBJECTIVE

Evaluate citizen-initiated charter amendments & repeals to lower the petition threshold (currently 10%)
Evaluate citizen-initiated amendments, enactments, and repeals to lower the petition threshold (currently 7%)

BACKGROUND

Members of the CRC Committee on Citizen Initiated Charter and Ordinance Amendment Process convened on January 8, 2020, 4:00 p.m., to further discuss findings from a variety of resources surrounding the study of lowering the petition threshold for citizen-initiated Charter and Ordinance amendments, enactments and repeals. Following the review of submitted data, historical documents (Supervisor of Elections, League of Women voters) proposal summary review from member Vilchez Santiago, CRC Legal Counsel, and public comment, the committee has moved to not make any changes to the existing threshold percentages outlined in the current Citizen Initiated Charter and Ordinance Amendment Process.

The provided historical documents, legal summaries, data, and citizen input did subsequently highlight the limiting components of the currently outlined 180-day processes/timeline in Orange County Charter (Article VI Section 601) available for Orange County citizens. Therefore, the Citizen Initiated Charter and Ordinance Amendment Process Committee moves to continue its work to ensure this process in no way limits citizens from successfully carrying out a citizen-initiated charter or ordinance amendment petition including tolling considerations given the multiple county departments required to move forward in this petition process (Supervisor of Elections, County Board of Commissioners, Comptroller's Office and the appointed Legal Review Panel).

ACTION REQUESTED

The Citizen Initiated Charter and Ordinance Amendment Process Committee of the 2020 CRC requests authority from the full CRC to look at all aspects of the 180-day timeline limitation as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative petition.

For your quick reference, I have attached a copy of the Petition Timeline as provided by the Supervisor of Elections Office-Bill Cowles on December 2, 2019, extracted from Attachment H page 6.

/Attachment

Petition _____

Ballot Title _____

Sponsoring Political Committee _____

Petition Timeline-

Initiative petition sponsors must register as a PAC and, prior to obtaining any signatures, shall submit the text of the proposed petition to the SOE, with the form on which signatures will be affixed, and shall obtain the approval of the SOE of such form. **Text Submittal Date-** _____

SOE shall make a determination regarding the approval of the form within fifteen days. **SOE Approval Date-** _____

The date of approval by the SOE marks the beginning of the 180 day time frame for the petition drive, after which the petition drive shall terminate. **180 Day Termination Date-** _____

If sufficient signatures are submitted, the SOE shall within thirty days thereafter verify the signatures therein and submit a written report to the board. **SOE Written Report Submittal Date-** _____

The sponsor shall submit all signed petitions gathered by petition gatherers during a month or otherwise received by the sponsor during such month to the SOE for signature no later than the fifth day of the following month. The SOE shall verify the validity of signatures for each signed petition within thirty days after submittal.

Upon reaching the 1% threshold, the SOE shall notify the board. The board shall render its decision within twenty days after notification. **SOE Board Notification Date-** _____ **Board Decision Date-** _____

After notification by the SOE regarding the 1% threshold, the comptroller shall, within twenty days after notification, prepare and transmit a financial impact statement. The sponsor of the petition shall then submit a revised petition form containing the financial impact statement to the SOE. The SOE shall, within fifteen days after submittal of the revised petition containing the financial impact statement, render a determination.

Comptroller Financial Impact Statement Date- _____ **SOE Revision Determination Date-** _____

Within sixty (60) days after notification of legality by the Legal Review Panel, the board shall hold a public hearing on the petition. **Public Hearing Date-** _____

Referendum

Charter- After the requisite number of signatures have been verified by the SOE, a referendum shall be held on the question of adoption of the proposed petition at the next primary, or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.

Ordinance- Within thirty (30) days of the requisite number of signatures have been verified by the SOE, the board shall notice a public hearing on the proposed petition and vote on it. If the board fails to adopt the proposed petition, the board shall notify the SOE a referendum shall be held on the adoption of the proposed petition at the next primary or general election occurring at least one hundred fifty (150) days after verification of sufficient signatures by the SOE.



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

April 22, 2020

Committee Recommendation

Permanent Funding of Green PLACE Committee

Committee Members:

Camille Evans, Chair
Angela Melvin
Soraya Smith
Lee Steinhauer
Eugene Stoccardo

Summary of Recommendation

On January 9, 2020, Member Eugene Stoccardo proposed a charter amendment establishing permanent funding for the annual purchase of environmentally sensitive lands in the amount of \$7,500,000.00 as an evaluation topic for the 2020 Orange County Charter Review Commission (the "CRC"). On February 5, 2020, the CRC voted to establish Permanent Funding for Green PLACE as an evaluation topic and established the subcommittee to evaluate the topic. Beginning on February 17, 2020, the Permanent Funding for Green PLACE Committee (the "Committee") held three public meetings to hear public input and consider the proposal. The Committee reviewed the proposed ballot title, summary and text amendment offered by Member Stoccardo and memorandums from the General Counsel regarding the legality of the core functions of the proposal. The Committee also heard from invited guests, including the Orange County Manager of the Office of Management and Budget, Kurt Petersen, regarding the 10 year history of expenditures from Orange County's Public Service Tax Bonds Fund, and Orange County's Environmental Program Supervisor, Beth Jackson, who provided the history of the County's environmentally sensitive land acquisitions since the mid-1990's.

After careful consideration of the information presented, the Committee voted 4-0, with one member absent, to recommend to the full CRC that no amendment to the Orange County Charter be made with respect to the Committee's evaluation topic. However, the Committee also recommends that the final CRC report forwarded to the Orange County Board of County Commissioners (the "BCC") recommends that the County actively use the

mechanisms and funding currently in place for the purchase of environmentally sensitive lands and that the County re-establish the ad-hoc committee for Green PLACE to encourage community input on identifying lands and acquisition strategies.

Reasons for Recommendation

1. Charter Amendment Mandating Budget Expenditures Preempted by State Law.

While the goal of spending \$7,500,000.00 per year for the acquisition of environmentally sensitive lands may be laudable, a mandatory charter amendment requiring the County to annually budget and spend said funds for the acquisition of environmentally sensitive lands is almost certainly preempted by Florida law, which prohibits local laws from interfering with county commissioners' discretion over the budget and millage rates. This is in contrast to a State of Florida Constitution Amendment approved by referendum because the Florida Constitution is the supreme law of the state and is only preempted by the United States Constitution and/or superior federal laws. Accordingly, the proposal would likely be unenforceable and voidable if approved by the voters.

2. The County Has the Ability to Spend \$7,500,000.00 to Annually Acquire Environmentally Sensitive Lands Under Current Funding Mechanisms.

Under Section 17-243 of the Orange County Code, the County currently is required to spend 25% of the Public Service Taxes collected annually to acquire, operate and maintain parks, environmentally sensitive lands and recreational facilities. While the \$7,500,000.00 in said taxes have recently been spent to maintain and operate public parks, those funds are available and authorized to purchase environmentally sensitive lands. Thus, the Committee recommends that the CRC recommend and encourage the BCC to utilize said funds, or a portion thereof, annually to acquire environmentally sensitive lands.

Argument Against Recommendation

1. Without a Charter Mandate, There is No Guarantee Environmentally Sensitive Lands Will Be Acquired.

A recommendation or encouragement from the CRC will be non-binding on the BCC. Accordingly, there is no guarantee that the County will spend \$7,500,000.00, or some portion thereof, annually to acquire environmentally sensitive lands.

Committee Recommendation

Chair Evans made a motion, which was seconded by Member Stoccardo, to: (1) recommend no proposed charter amendment be placed on the ballot; and (2) the full CRC issue a report advising and recommending that the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and to reestablish the County's ad-hoc committee for Green PLACE to receive public input on identifying environmentally sensitive lands and acquisition strategies. The motion carried 4 to 0.

Accordingly, having carefully considered the proposals, memorandums and information received from invited guests, as well as public input, and otherwise being fully advised in the premises, **the Committee recommends that no amendments to the Orange County Charter be made with respect to Permanent Funding for Green PLACE and that the CRC's final report recommends the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad-hoc committee for Green PLACE.**



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Workgroup Summary Report

CRC By-Laws Workgroup

April 27, 2020
Communications Media Technology
4:15 p.m.

Workgroup Members:

Camille Evans, Chair
Nikki Mims
Samuel Vilchez Santiago
Soraya Smith
Eugene Stoccardo
Clifford Shepard, CRC General Counsel
Katie Smith, Assisting CRC as Staff
Jessica Vaupel, Assisting CRC as Staff

Other Present:

Kate Latorre, Assistant County Attorney

The CRC By-Laws Workgroup met to discuss recommendations for CRC by-laws.

Public Comment

The following person addressed the workgroup: Carol Foglesong.

CRC Chair Comments

Chair Evans stated the purpose of the workgroup was to review operating guidelines adopted by the 2020 CRC and to discuss procedural recommendations for future CRCs. Chair Evans outlined three potential workgroup meetings.

Chair Evans asked Assistant County Attorney Kate Latorre what the County's position was regarding the 2020 CRC's authority to establish procedures for future CRCs. Assistant County Attorney Latorre advised that the County has no issues with by-laws, however the 2020 CRC is not authorized under the Resolution of the Board of County Commissioners (BCC) creating the CRC, or the Orange County Charter, to create by-laws limiting the conduct of the 2024 CRC. Any document adopted by the 2020 CRC is not binding for the next CRC.

Members Open Discussion

Workgroup members offered recommendations for procedures they felt would be valuable to evaluate based upon their experience during the 2020 CRC cycle. The following were offered as possible topics. Several of the topics were discussed by more than one member.

- Committee Member and Chair Selections
- Adoption of Parliamentary Procedures
- Code of Ethics
- Meeting Attendance
- Recommendations to the BCC
- Work Product Format Guidelines
- General Counsel Procurement Committee
- Outline Chair / Vice Chair Duties Prior to Elections
- Agenda Publication and Rebuttal Submittal Deadlines
- Work Product Presentations to Full CRC
- Public Comment Opportunities

General Counsel Shepard provided remarks regarding the evaluation process and subcommittee work product guidelines adopted by the 2020 CRC. He advised that in the absence of by-laws, each CRC hereafter could do something similar. According to the work product guidelines, General Counsel Shepard advised there was no time for the workgroup to recommend a change to the Orange County Charter and offered what he thought were two options: the 2020 CRC could include procedural recommendations in its Final Report or draft a set of procedures as a recommendation to the BCC to impose on future CRCs.

Member discussion continued.

Chair Evans offered another suggestion in that the CRC could recommend to the BCC that a group of prior CRC members be convened, prior to the creation of the 2024 CRC, to create procedures to include in the BCC resolution. Member Stoccardo agreed.

Future Action Plan

Chair Evans advised the next workgroup meeting is scheduled for Monday, May 4, 2020 at 4:15 p.m. via WebEx and recommended that all CRC members provide their input no later than close of business Thursday, April 30, 2020 at 5:00 p.m. Chair Evans asked CRC staff to manage the responses. Member Smith urged that CRC members be specific with their procedural citations when referencing a document.

General Counsel Shepard offered to take the recommendations provided by CRC members and draft a working document for the workgroup prior to the next workgroup meeting on Monday, May 4, 2020. The workgroup members agreed.

Supporting materials, including the meeting notice, agenda, 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)

Workgroup Summary Report

CRC By-Laws Workgroup

May 4, 2020
Communications Media Technology
4:15 p.m.

Workgroup Members:

Camille Evans, Chair
Nikki Mims
Samuel Vilchez Santiago
Soraya Smith
Eugene Stoccardo
Clifford Shepard, CRC General Counsel
Katie Smith, Assisting CRC as Staff
Jessica Vaupel, Assisting CRC as Staff
Jennifer Lara-Klimetz, Assisting CRC as Staff

The CRC By-Laws Workgroup met to discuss recommendations for CRC by-laws.

Public Comment

No members of the public addressed the workgroup during public comment.

CRC Chair Comments

Chair Evans stated the purpose of the workgroup meeting was to review by-laws, drafted by General Counsel, based upon input received from the 2020 CRC members; and further, to determine whether the workgroup wanted to move forward with bringing draft by-laws to the full CRC.

Discussion ensued.

Members Open Discussion

The workgroup reviewed each article and section of the draft by-laws prepared by General Counsel. Workgroup members offered suggested edits. General Counsel Shepard explained the rationale of why he may not have incorporated certain recommendations received by CRC members prior to the workgroup meeting. Discussion ensued.

- Article I Statement of Purpose and Applicable Law, Section 1.1 Purpose – Members recommended this section reference the Board of County Commissioners resolution appointing the CRC members.
- Article II Orientation – Members recommended this section reference proposed CRC by-laws.
- Article III Notice and Conduct of Meetings, Section 3.1 Public Meetings / Notice – Members recommended meeting notices be distributed via email to CRC followers as well as posted via social media.
- Article III Notice and Conduct of Meetings, Section 3.3 Location – Members discussed the location of committee meetings. Deputy Clerk Katie Smith reiterated to the workgroup the complexity of securing meeting locations at offsite facilities. Members recommended that this section reflect agreement by CRC staff related to meeting location selections.
- Article III Notice and Conduct of Meetings, Section 3.5 Citizen Participation – Members recommended that citizens be afforded the opportunity to speak prior to a substantial vote.
- Article III Notice and Conduct of Meetings, Section 3.8 Attendance – This section will be renumbered to Section 3.7. Members recommended that the word “consecutive” be stricken as it pertains to the number of meetings a member may be absent.
- Article III Notice and Conduct of Meetings, Section 3.9 Official Rules of Order – This section will be renumbered to Section 3.8. Members recommended the words “Except as otherwise provided in these by-laws” be stricken and to remove the anniversary date.
- Article IV Voting, Section 4.1 Voting Generally – General Counsel Shepard will correct the distinction that any conflict of interest forms will be filed in writing with the Comptroller Clerk of Board office.
- Article V Duties of Officers, Section 5.1 Duties of the Chair (c) and (d) – Members recommended that the Chair of the CRC be permitted to serve as a committee member. Members recommended that the Chair of the CRC provide direction to CRC staff related to procurement matters.
- Article VI Committees, Section 6.2 Appointment / Removal – Members recommended that the word “Removal” be stricken from the section title. Members recommended that committee appointments be made by the full CRC; and further, that committees be comprised of no more than 5 members. Deputy Clerk Smith voiced concerns related to the existing language that committee members may be removed from their committee position upon proper motion by a majority vote of the CRC.
- Article VIII Amendment – Members recommended that the words “two thirds” be replaced by “majority” to be consistent with Roberts Rules of Order.

Discussion ensued amongst the workgroup members and General Counsel Shepard.

Future Action Plan

General Counsel Shepard will submit revised by-laws, based upon the workgroup's discussion, prior to the next workgroup meeting.

Chair Evans advised the next workgroup meeting is scheduled for Monday, May 11, 2020 at 4:15 p.m. via WebEx.

Supporting materials, including the meeting notice, agenda, and summary report, may be found by visiting <https://www.occompt.com/clerk-of-the-bcc/charter-2020/meetings/>.

BYLAWS OF THE ORANGE COUNTY CHARTER REVIEW COMMISSION

Article I – Statement of Purpose and Applicable Law

Section 1.1 Purpose. The Orange County Charter Review Commission (“OCCRC”) is an independent body mandated by Section 702 of the Orange County Charter to be appointed on a four year cycle by the Orange County Board of County Commissioners (“Board”) no later than February 1, of the year prior to a presidential election year. The OCCRC shall be empowered to conduct a comprehensive study of any or all phases of county government and may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the Board no later than the last day for qualifying for election to county office under general law. The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The OCCRC shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis.

Section 1.2 Applicable Law. OCCRC members are appointed by Board Resolution pursuant to Section 702 of the Orange County Charter. As a public commission, the OCCRC and its members are subject to Florida’s Sunshine Law (Chapter 286, Florida Statutes), Florida’s Public Records Law (Chapter 119, Florida Statutes) and the Florida Code of Ethics for Public Officers and Employees (Chapter 112 - Part III, Florida Statutes). Failure to abide by these laws specifically, as applicable, and state or federal law generally, may result in a member’s removal from the OCCRC.

Article II. Orientation

The first meeting of each new cycle of the OCCRC shall be an orientation meeting for the members conducted by Orange County staff and Orange County Comptroller staff and will include information on, at minimum, the following topics:

- Florida’s Sunshine Law, Public Records Law and Code of Ethics for Public Officers and Employees;
- Independence of the OCCRC;
- The history of the OCCRC;
- The roles and duties of OCCRC staff;

- Adoption and discussion of bylaws for the OCCRC;
- The role and duties of the OCCRC General Counsel;
- The selection and hiring process for the OCCRC General Counsel and establishment of an RFP evaluation committee.

Copies of the current Orange County Charter, the Board Resolution appointing the members and establishing the OCCRC (current cycle) and the current or proposed bylaws of the OCCRC, as well as other relevant documents as determined by staff shall be provided to OCCRC members at the orientation meeting.

Article III. Notice and Conduct of Meetings

Section 3.1 Public Meetings/Notice. All meetings of the OCCRC, including all meetings of its committees, shall be open to the public. Notice of the date, time and place of said meetings shall be made available to the public in advance of the meetings by written notice through whatever methods are required by law and by posting the date, time and place upon the OCCRC's website and by posting a notice on the public bulletin board maintained for such purposes at the Orange County Administration Center, at least 48 hours before the meeting. Such notice shall also be posted on all current social media channels maintained by Orange County and provided by email to all members of the public requesting email notification.

Section 3.2 Scheduling. The date, time and place of each regular meeting of the OCCRC shall be announced at the preceding regular or special meeting of the OCCRC. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting. Special meetings may be called by the Chair of the OCCRC, or by a majority of the OCCRC requesting such special meeting in writing to the clerk of the OCCRC. All such notices shall be emailed to the members of the OCCRC at their email addresses as registered with OCCRC staff. It shall be the responsibility of individual members of the OCCRC to notify staff of any change in email address. The Chair of each committee shall be responsible through OCCRC staff for giving sufficient written or telephone notice of each committee meeting to members and to the public.

A written notice of special meetings of the entire OCCRC shall be given in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

Section 3.3 Location. Regular meetings of the OCCRC shall be at the Orange County Administration Center. The OCCRC will also hold at least one public hearing, which shall also be considered a regular meeting, in each of the districts of the County. The meetings and public hearings of the OCCRC and its committees shall be at facilities large enough to accommodate not only the OCCRC or committee, but also interested citizens. The meeting place chosen shall be open and accessible, and free of any admission charge or restriction to the commission and to the public. Meetings conducted by committees shall be held at an initial location selected by the Chair of the OCCRC after consultation with OCCRC staff. Thereafter, the location of committee meetings shall be selected by the majority of the committee after consultation and agreement of OCCRC staff.

Section 3.4 Agendas. The agenda for regular meetings and public hearings of the OCCRC shall be generally as follows, subject to amendment or revision by the Chair or a majority of the members present:

I. Call to Order

II. Pledge

III. Roll Call

IV. Approval of Minutes of Previous Meeting

V. Introduction of Invited Guest (if any) and Their Presentations

VI. Report of Chairperson

VII. Reports of Committees (if any)

XIII. Unfinished Business

IX. Remarks of Interested Citizens

X. New Business

XI. Adjournment with Day Fixed for Next Meeting

Section 3.5 Citizen Participation. The OCCRC will entertain public comment on all substantive agenda items. Under the agenda item of Remarks of Interested Citizens, interested citizens shall be afforded an opportunity to comment on matters before the OCCRC. The remarks of any citizen should be germane to the agenda or matters to come before the OCCRC. Each agenda shall include a point during the meeting at which Remarks of Interested Citizens may be made. The OCCRC may impose reasonable limitations on time allotted to any citizen – not to be less than three (3) minutes per citizen - or on the total time to be allotted to public participation during the meeting, although these limitations may be waived at the discretion of the Chair for good cause. Each citizen addressing the Commission is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers.

Section 3.6 Quorum and Majority Action. A majority of the members of the OCCRC, or of any committee shall constitute a quorum for transaction of business, and a majority of those present shall be sufficient to agree to any motion except as otherwise set forth in these bylaws. The OCCRC shall hold no less than four (4) public hearings prior to presenting proposed Charter revisions and amendments to the public. No proposed ballot issue shall be subject to a final vote of the OCCRC until it has been on the agenda for discussion and consideration at a minimum of two (2) OCCRC meetings.

Section 3.7 Attendance. Regular attendance and attention to the business of the OCCRC is expected. Any member who fails to attend three meetings over a one-hundred and eighty (180) day period, shall be reported by the Chair to the County Commissioner who appointed the member for possible replacement of that member.

Section 3.8 Official Rules of Order. Except as otherwise provided in these bylaws, Robert's Rules of Order Revised (most recent edition) shall apply to the OCCRC and its committees in matters of procedural conflict. These rules may be waived by majority vote of the membership of the OCCRC or committee, as applicable.

Section 3.9 Deliberations. The OCCRC shall approve, by majority vote, issues to be considered as revisions to the Orange County Charter, and whether said issues shall be assigned to a committee for study and evaluation or shall be evaluated by the entire OCCRC. All issues accepted for evaluation shall be subject to a timeline for completion of work as established by a majority vote of the OCCRC.

A. Decision Agenda. The OCCRC shall approve, by majority of the membership, a schedule and agenda of meetings at which approved issues and approved sample text shall be considered for inclusion in the Orange County Charter. A proposal and text may be approved for submission to voter referendum with the concurrence of a majority vote of the OCCRC.

B. Final adoption and transmittal. After all public meetings and hearings, the OCCRC shall amend if necessary, approve and transmit a final report to the Board containing all proposed charter amendments including ballot titles and summaries of the substance and chief purpose of the measures, with the concurrence of the majority of the members of the OCCRC.

Article IV. Voting

Section 4.1 Voting Generally. Each member present shall vote, unless a conflict of interest exists, in which case said conflict shall be publicly stated prior to the vote and the appropriate form filed in writing with the clerk of the OCCRC as provided by law.

Section 4.2 Proxy Voting. No member of the OCCRC or any of its committees shall have the power to vote by proxy. Members may vote by any method permissible under existing Florida law.

Article V. Duties of Officers

Section 5.1 Duties of the Chair. The Chair shall:

- a. Preside at all regular and special meetings of the OCCRC;
- b. Represent the OCCRC at all functions and activities so requiring (but without authority to state any position of the OCCRC not previously approved);
- c. Serve as ex-officio (non-voting) member of all committees and may be appointed to serve as a voting member of any committee if so appointed;
- d. Provide direction to OCCRC staff regarding all procurement matters;
- e. Call special meetings where necessary;
- f. Coordinate publicity;

g. Approve all disbursement requests, certifying that the disbursement has been duly approved by the entire OCCRC.

Section 5.2 Duties of the Vice Chair. The Vice-Chair shall perform the duties of the Chair in the event the Chair is absent, has a declared conflict of interest or is unable to serve.

Article VI. Committees

Section 6.1 Authority. The OCCRC may authorize, by majority vote, the appointment of committees as it sees fit to plan and administer ministerial functions of the OCCRC, or to investigate and report to the OCCRC on studies of departments or functions of the existing government, or for any other lawful purpose; provided that no committee shall have any final authority vested by law in the OCCRC.

Section 6.2 Appointment. The majority of the members of the OCCRC shall appoint the members to any committees established by the OCCRC from the membership of the OCCRC. Each committee so established may then select its own chair and vice chair. Committees shall consist of five (5) members.

Article VII. Public Outreach

Every effort shall be made to ensure that proceedings of the OCCRC are made available to the news media. No attempt shall be made to inhibit the normal processes of the news media. Public statements by the OCCRC or by its committees shall be coordinated through the Chair and the clerk to OCCRC. Members of the OCCRC may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the OCCRC shall on every occasion make an affirmative statement that their views are not representative of the views of the OCCRC as a whole. The Chair of the OCCRC shall be responsible for announcing the adopted positions of the OCCRC.

Article VIII. Amendment

These bylaws of the OCCRC may be amended by an affirmative vote of the majority of the members of the OCCRC present and voting.

BYLAWS OF THE ORANGE COUNTY CHARTER REVIEW COMMISSION

Article I – Statement of Purpose and Applicable Law

Section 1.1 Purpose. The Orange County Charter Review Commission (“OCCRC”) is an independent body mandated by Section 702 of the Orange County Charter to be appointed on a four year cycle by the Orange County Board of County Commissioners (“Board”) no later than February 1, of the year prior to a presidential election year. The OCCRC shall be empowered to conduct a comprehensive study of any or all phases of county government and may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the Board no later than the last day for qualifying for election to county office under general law. The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The OCCRC shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis.

Section 1.2 Applicable Law. ~~The OCCRC and its~~ members are appointed by Board Resolution pursuant to Section 702 of the Orange County Charter. As a public commission, the OCCRC and its members are subject to Florida’s Sunshine Law (Chapter 286, Florida Statutes), Florida’s Public Records Law (Chapter 119, Florida Statutes) and the Florida Code of Ethics for Public Officers and Employees (Chapter 112 - Part III, Florida Statutes). Failure to abide by these laws specifically, as applicable, and state or federal law generally, may result in a member’s removal from the OCCRC ~~as set forth herein~~.

Article II. Orientation

The first meeting of each new cycle of the OCCRC shall be an orientation meeting for the members conducted by Orange County staff and Orange County Comptroller staff and will include information on, at minimum, the following topics:

- Florida’s Sunshine Law, Public Records Law and Code of Ethics for Public Officers and Employees;
- Independence of the OCCRC;
- The history of the OCCRC;
- The roles and duties of OCCRC staff;

- Adoption and discussion of bylaws for the OCCRC;
- The role and duties of the OCCRC General Counsel;
- The selection and hiring process for the OCCRC General Counsel and establishment of an RFP evaluation committee.

Copies of the current Orange County Charter, the Board Resolution appointing the members and establishing the OCCRC (current cycle) and the current or proposed bylaws of the OCCRC, as well as other relevant documents as determined by staff shall be provided to OCCRC members at the orientation meeting.

Article III. Notice and Conduct of Meetings

Section 3.1 Public Meetings/Notice. All meetings of the OCCRC, including all meetings of its committees, shall be open to the public. Notice of the date, time and place of said meetings shall be made available to the public in advance of the meetings by written notice through whatever methods are to one or more newspapers of general circulation in the County required by law and, by posting the date, time and place upon the OCCRC's website and by posting a notice on the public bulletin board maintained for such purposes at the Orange County Administration Center, at least 48 hours before the meeting. Such notice shall also be posted on all current social media channels maintained by Orange County and provided by email to all members of the public requesting email notification.

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Section 3.3 Location. Regular meetings of the OCCRC shall be at the Orange County Administration Center. The OCCRC will also hold at least one public hearing, which shall also be considered a regular meeting, in each of the districts of the County. The meetings and public hearings of the OCCRC and its committees shall be at facilities large enough to accommodate not only the OCCRC or committee, but also interested citizens. The meeting place chosen shall be open and accessible, and free of any admission charge or restriction to the commission and to the public. Meetings conducted by committees shall be held at an initial location selected by the Chair of the OCCRC after consultation with OCCRC staff. Thereafter, the location of committee meetings shall be selected by the majority of the committee after consultation and agreement of OCCRC staff. ~~Meetings conducted by committees shall be held at a location selected by the chairperson of such committee.~~

Section 3.4 Agendas. The agenda for regular meetings and public hearings of the OCCRC shall be generally as follows, subject to amendment or revision by the Chair or a majority of the members present:

- I. Call to Order
- II. Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
- V. Introduction of Invited Guest (if any) and Their Presentations
- VI. Report of Chairperson
- VII. Reports of Committees (if any)
- XIII. Unfinished Business
- IX. Remarks of Interested Citizens

X. New Business

XI. Adjournment with Day Fixed for Next Meeting

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Section 3.7 Attendance. Regular attendance and attention to the business of the OCCRC is expected.

~~The seat of a~~Any member who fails to attend three ~~consecutive regular~~ meetings over a one-hundred and eighty (180) day period, ~~without previous notification, shall be presumed vacant, and the Chair shall~~ be reported by the Chair that fact to the County Commissioner who appointed the member, for ~~confirmation that a vacancy exists and appointment of a possible~~ replacement of that member.

Section 3.8 Official Rules of Order. Except as otherwise provided in these bylaws, Robert's Rules of Order Revised (~~75th Anniversary~~most recent edition) shall apply to the OCCRC and its committees in matters of procedural conflict. These rules may be waived by majority vote of the membership of the OCCRC or committee, as applicable.

Section 3.9 Deliberations. The OCCRC shall approve, by majority vote, issues to be considered as revisions to the Orange County Charter, and whether said issues shall be assigned to a committee for study and evaluation or shall be evaluated by the entire OCCRC. All issues accepted for evaluation shall be subject to a timeline for completion of work as established by a majority vote of the OCCRC.

A. Decision Agenda. The OCCRC shall approve, by majority of the membership, a schedule and agenda of meetings at which approved issues and approved sample text shall be considered for inclusion in the Orange County Charter. A proposal and text may be approved for submission to voter referendum with the concurrence of a majority vote of the OCCRC.

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Article IV. Voting

Section 4.1 Voting Generally. Each member present shall vote, unless a conflict of interest exists, in which case said conflict shall be publicly stated prior to the vote and the appropriate form filed in writing with the ~~County Manager~~clerk of the OCCRC, as provided by law.

Section 4.2 Proxy Voting. No member of the OCCRC or any of its committees shall have the power to vote by proxy. ~~Only those m~~M~~embers physically present shall be entitled to~~may vote by any method permissible under existing Florida law.

Article V. Duties of Officers

Section 5.1 Duties of the Chair. The Chair shall:

a. Preside at all regular and special meetings of the ~~Commission~~OCCRC;

- b. Represent the ~~Commission~~OCCRC at all functions and activities so requiring (but without authority to state any position of the ~~Commission~~OCCRC not previously approved);
- c. Serve as ex-officio (non-voting) member of all committees and may be appointed to serve as a voting member of any committee if so appointed;
- ~~d. Be charged with the responsibility of making all committee assignments and appointment of all chairs of committees;~~
- d. Provide direction to OCCRC staff regarding all procurement matters;
- e. Call special meetings where necessary;
- f. Coordinate publicity;
- g. Approve all disbursement requests, certifying that the disbursement has been duly approved by the entire ~~Commission~~OCCRC.

Section 5.2 Duties of the Vice Chair. The Vice-Chair shall perform the duties of the Chair in the event the Chair is absent, has a declared conflict of interest or is unable to serve.

Article VI. Committees

Section 6.1 Authority. The OCCRC may authorize, by majority vote, the appointment of committees as it sees fit to plan and administer ministerial functions of the OCCRC, or to investigate and report to the OCCRC on studies of departments or functions of the existing government, or for any other lawful purpose; provided that no committee shall have any final authority vested by law in the OCCRC.

Section 6.2 Appointment/~~Removal~~. The majority of the members ~~Chair~~ of the OCCRC shall appoint the members to any committees established by the OCCRC from the membership of the OCCRC. Each committee so established may then select its own chair and vice chair. Committees shall consist of five (5) members. ~~Once selected, committee members may be removed from their committee position upon proper motion by a majority vote of the OCCRC.~~

Article VII. Public Outreach

Every effort shall be made to ensure that proceedings of the OCCRC are made available to the news media. No attempt shall be made to inhibit the normal processes of the news media. Public statements by the OCCRC or by its committees shall be coordinated through the Chair and the clerk to OCCRC. Members of the OCCRC may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the OCCRC shall on every occasion make an affirmative statement that their views are not representative of the views of the OCCRC as a whole. The Chair of the OCCRC shall be responsible for announcing the adopted positions of the OCCRC.

Article VIII. Amendment

These bylaws of the OCCRC may be amended by an affirmative vote of ~~two thirds (2/3)~~the majority of the members of the OCCRC present and voting.

APPENDIX B

***Proposed, Non-Binding Bylaw for
future Charter Review Commissions
to Consider***

BYLAWS OF THE ORANGE COUNTY CHARTER REVIEW COMMISSION

Article I – Statement of Purpose and Applicable Law

Section 1.1 Purpose. The Orange County Charter Review Commission (“OCCRC”) is an independent body mandated by Section 702 of the Orange County Charter to be appointed on a four year cycle by the Orange County Board of County Commissioners (“Board”) no later than February 1, of the year prior to a presidential election year. The OCCRC is empowered to conduct a comprehensive study of any or all phases of county government and may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the Board no later than the last day for qualifying for election to county office under general law. The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The OCCRC shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis.

Section 1.2 Applicable Law. OCCRC members are appointed by Board Resolution pursuant to Section 702 of the Orange County Charter. As a public commission, the OCCRC and its members are subject to Florida’s Sunshine Law (Chapter 286, Florida Statutes), Florida’s Public Records Law (Chapter 119, Florida Statutes) and the Florida Code of Ethics for Public Officers and Employees (Chapter 112 - Part III, Florida Statutes). Failure to abide by these laws specifically, as applicable, and state or federal law generally, may result in a member’s removal from the OCCRC.

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The first meeting of each new cycle of the OCCRC shall be an orientation meeting for the members conducted by Orange County staff and Orange County Comptroller staff and will include information on, at minimum, the following topics:

- Florida’s Sunshine Law, Public Records Law and Code of Ethics for Public Officers and Employees;
- Independence of the OCCRC;
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- The roles and duties of OCCRC staff;

- Adoption and discussion of bylaws for the OCCRC;
- Review budget of the OCCRC;
- The role and duties of the OCCRC General Counsel;
- The selection and hiring process for the OCCRC General Counsel and establishment of an RFP evaluation committee.

Copies of the current Orange County Charter, the Board Resolution appointing the members and establishing the OCCRC (current cycle) and the current or proposed bylaws of the OCCRC, as well as other relevant documents as determined by staff, shall be provided to OCCRC members at the orientation meeting.

Article III. Notice and Conduct of Meetings

Section 3.1 Public Meetings/Notice. All meetings of the OCCRC, including all meetings of its committees, shall be open to the public. Notice of the date, time and place of said meetings shall be made available to the public in advance of the meetings by written notice through whatever methods are required by law and by posting the date, time and place upon the OCCRC's website and by publishing a notice at least two (2) business days before the meeting. Such notice shall also be posted on all available social media and digital channels and provided by email to all members of the public requesting email notification.

Section 3.2 Scheduling. The date, time and place of each regular meeting of the OCCRC shall be announced at the preceding regular or special meeting of the OCCRC. The agenda of each regular or special meeting shall include fixing the date of the next regular meeting. Special meetings may be called by the Chair of the OCCRC, or by a majority of the OCCRC requesting such special meeting in writing to OCCRC staff. All such notices shall be emailed to the members of the OCCRC at their email addresses as registered with OCCRC staff. It shall be the responsibility of individual members of the OCCRC to notify staff of any change in email address. The Chair of each committee shall be responsible through OCCRC staff for giving sufficient written or telephone notice of each committee meeting to members and to the public.

A written notice of special meetings of the entire OCCRC shall be given in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

Section 3.3 Location. Regular meetings of the OCCRC shall be at the Orange County Administration Center or another designated location after consultation with OCCRC staff. The OCCRC will also hold at least one public hearing, which shall also be considered a regular meeting, in each of the districts of the County. The meetings and public hearings of the OCCRC and its committees shall be at facilities large enough to accommodate not only the OCCRC or committee, but also interested citizens. The meeting place chosen shall be open and accessible, and free of any admission charge or restriction to the commission and to the public. Meetings conducted by committees shall be held at an initial location selected by the Chair of the OCCRC after consultation with OCCRC staff. Thereafter, the location of committee meetings shall be selected by the majority of the committee after consultation and agreement of OCCRC staff.

Section 3.4 Agendas. The agenda for regular meetings and public hearings of the OCCRC shall be generally as follows, subject to amendment or revision by the Chair or a majority of the members present:

- I. Call to Order
- II. Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
- V. Introduction of Invited Guests (if any) and Their Presentations
- VI. Report of Chairperson
- VII. Reports of Committees (if any)
- VIII. Unfinished Business

IX. Remarks of Interested Citizens - (The CRC may consider additional opportunities for public comment on specific agenda items before votes are taken).

X. New Business

XI. Adjournment with Day Fixed for Next Meeting

Except in the event of extraordinary circumstances beyond the control of OCCRC staff, the agenda for regular meetings shall be available to the public no less than five (5) full working days before the day of the meeting.

Section 3.5 Citizen Participation. The OCCRC will entertain public comment on all substantive agenda items. Under the agenda item of Remarks of Interested Citizens, interested citizens shall be afforded an opportunity to comment on matters before the OCCRC. The remarks of any citizen should be germane to the agenda or matters to come before the OCCRC. Each agenda shall include a point during the meeting at which Remarks of Interested Citizens may be made. The OCCRC may impose reasonable limitations on time allotted to any citizen – not to be less than three (3) minutes per citizen - or on the total time to be allotted to public participation during the meeting, although these limitations may be waived at the discretion of the Chair for good cause. Each citizen addressing the Commission is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers.

Section 3.6 Quorum and Majority Action. A majority of the members of the OCCRC, or of any committee shall constitute a quorum for transaction of business, and a majority of those present shall be sufficient to agree to any motion except as otherwise set forth in these bylaws. The OCCRC shall hold no less than four (4) public hearings prior to presenting proposed Charter revisions and amendments to the public. No proposed ballot issue shall be subject to a final vote of the OCCRC until it has been on the agenda for discussion and consideration at a minimum of two (2) OCCRC meetings.

Section 3.7 Attendance. Regular attendance and attention to the business of the OCCRC is expected. Any member who fails to attend three meetings over a one-hundred and eighty (180) day period, shall be reported by the Chair to the County Commissioner who appointed the member for possible replacement of that member.

Section 3.8 Official Rules of Order. Except as otherwise provided in these bylaws, Robert's Rules of Order Revised (most recent edition) shall apply to the OCCRC and its committees in matters of procedural conflict. These rules may be waived by majority vote of the membership of the OCCRC or committee, as applicable.

Section 3.9 Deliberations. The OCCRC shall approve, by majority vote, issues to be considered as revisions to the Orange County Charter, and whether said issues shall be assigned to a committee for study and evaluation or shall be evaluated by the entire OCCRC. All issues accepted for evaluation shall be subject to a timeline for completion of work as established by a majority vote of the OCCRC.

A. Decision Agenda. The OCCRC shall approve, by majority of the membership, a schedule and agenda of meetings at which approved issues and approved sample text shall be considered for inclusion in the Orange County Charter. A proposal and text may be approved for submission to voter referendum with the concurrence of a majority vote of the OCCRC.

B. Final adoption and transmittal. After all public meetings and hearings, the OCCRC shall amend if necessary, approve and transmit a final report to the Clerk of the Board containing all proposed charter amendments including ballot titles and summaries of the substance and chief purpose of the measures, with the concurrence of the majority of the members of the OCCRC.

Article IV. Voting

Section 4.1 Voting Generally. Each member present shall vote, unless a conflict of interest exists, in which case said conflict shall be publicly stated prior to the vote and the appropriate form filed in writing with the OCCRC staff as provided by law.

Section 4.2 Proxy Voting. No member of the OCCRC or any of its committees shall have the power to vote by proxy. Members may vote by any method permissible under existing Florida law.

Article V. Duties of Officers

Section 5.1 Duties of the Chair. The Chair shall:

a. Preside at all regular and special meetings of the OCCRC;

- b. Represent the OCCRC at all functions and activities so requiring (but without authority to state any position of the OCCRC not previously approved);
- c. Serve as ex-officio (non-voting) member of all committees and may be appointed to serve as a voting member of any committee if so appointed;
- d. Provide direction to OCCRC staff regarding all procurement matters;
- e. Call special meetings where necessary;
- f. Coordinate publicity;
- g. Approve all disbursement requests, certifying that the disbursement has been duly approved by the entire OCCRC.

Section 5.2 Duties of the Vice Chair. The Vice-Chair shall perform the duties of the Chair in the event the Chair is absent, has a declared conflict of interest or is unable to serve.

Article VI. Committees

Section 6.1 Authority. The OCCRC may authorize, by majority vote, the appointment of committees as it sees fit to plan and administer ministerial functions of the OCCRC, or to investigate and report to the OCCRC on studies of departments or functions of the existing government, or for any other lawful purpose; provided that no committee shall have any final authority vested by law in the OCCRC.

Section 6.2 Appointment. The majority of the members of the OCCRC shall appoint the members to any committees established by the OCCRC from the membership of the OCCRC. Each committee so established may then select its own chair and vice chair. Committees shall consist of five (5) members.

Article VII. Public Outreach

Every effort shall be made to ensure that proceedings of the OCCRC are made available to the news media. No attempt shall be made to inhibit the normal processes of the news media. Public statements by the OCCRC or by its committees shall be coordinated through the Chair and the OCCRC staff. Members of the OCCRC may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the OCCRC shall on every occasion make an

affirmative statement that their views are not representative of the views of the OCCRC as a whole. The Chair of the OCCRC shall be responsible for announcing the adopted positions of the OCCRC.

Article VIII. Amendment

These bylaws of the OCCRC may be amended by an affirmative vote of the majority of the members of the OCCRC present and voting.

APPENDIX C

2020 CRC Guidelines for Subcommittee Work Product

ORANGE COUNTY 2020 CHARTER REVIEW COMMISSION
SUBCOMMITTEE WORK PRODUCT GUIDELINES
Adopted November 6, 2019 and Revised November 25, 2019 and February 5, 2020

- **Elements of Subcommittee Work Product/Reports:**
 - Public Comment Timeframe
 - Subcommittees will allow 3 minutes for each member of the public to speak with an additional 15 minutes set aside for the Committee Chair to have the discretion to provide additional time for public comment.
 - Review the Process Taken
 - Review the Information Reviewed
 - Review the Pros/Cons
 - Review the Positive and Negative Material Impacts
 - Recommendation
 - For or Against
 - If recommend then should produce 3 things (all of which should be vetted by CRC General Counsel):
 - Title
 - Ballot Language
 - Actual Amendment Language
- **Timing for Subcommittee Reports and final CRC Evaluation Process:**
 - Schedule two regular full CRC Meetings in the months of March, April and May 2020. All second meeting dates are TBD. Meetings will be in Chambers
 - February 5, 2020 (agenda deadline January 24, 2020)
 - Last meeting for inclusion of a new potential evaluation topic for Consideration on CRC agenda
 - Deadline for Submission of Subcommittee Work Product and 1st reading for the following Subcommittees:
 - Number and Composition of Commission Districts
 - WEBOR
 - Ethics
 - While these subcommittees could submit their final reports sooner, we recommend they not do so until after the final January 9th Public Hearing.
 - March 4, 2020 (agenda deadline February 21, 2020)
 - 2nd reading and vote for Subcommittee Work Product for the following Subcommittees:
 - Number and Composition of Commission Districts
 - WEBOR
 - Ethics
 - April 1, 2020 (agenda deadline March 20, 2020)
 - Deadline for Submission of Subcommittee Work Product and 1st reading for the following Subcommittee:
 - Split Oak

ORANGE COUNTY 2020 CHARTER REVIEW COMMISSION
SUBCOMMITTEE WORK PRODUCT GUIDELINES
Adopted November 6, 2019 and Revised November 25, 2019 and February 5, 2020

- May 6, 2020 (agenda deadline April 24, 2020)
 - Deadline for Submission of Subcommittee Work Product and 1st reading for any other Subcommittees formed at CRC meetings between November 6, 2019 and February 5, 2020)
 - 2nd reading and vote for Subcommittee Work Product for the following Subcommittee:
 - Split Oak
- May 14, 2020 Meeting (agenda deadline May 1, 2020)
 - Deadline for 2nd reading and vote of Subcommittee Work Product for any other Subcommittees formed at CRC meetings between November 6, 2019 and February 5, 2020.
 - May 14, 2020 Meeting shall also be reserved for re-evaluating any issues previously submitted and considered that required additional input or information. CRC reserves the right to call a 3rd meeting in May to re-evaluate any issues previously submitted and considered that required additional input or information.
- June 3rd, 2020 (agenda deadline May 22, 2020)
 - Final 2020 CRC Meeting – only agenda item should be Final Report of CRC

APPENDIX D

2020 CRC Potential Topics for Evaluation

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
Orange County Charter Article VI Sections 605 Orange County Charter Article VII Section 703	Charter Officers - Election, Status and Term Limits of Constitutional Officers	Multiple 2020 CRC Members (Torres, Mims, Miller) and members of the public	March 2019
Orange County Charter Article II Sections 202, 203	Number and Composition of County Commission Districts	Multiple 2020 CRC Members (Torres, Mims, Miller,	March 2019
Orange County Charter Article VI Sections 601, 602, 603	Initiative Petitions – Simplify petitions section to encourage citizens to participate with government	Member Stoccardo	3/29/2019
Orange County Code Chapter 2 Article II	Redistricting for Orange County Commission – Create an independent committee	Member Stoccardo	3/29/2019
	Transit - Consolidation of Lynx and Sunrail into a Mass Transit Authority.	Member Stoccardo	3/29/2019
	Transit - Transportation/Transit Funding	Multiple 2020 CRC Members (Miller, Stoccardo)	3/29/2019
	Tourist Development Tax Procedure/Priorities	Multiple 2020 CRC Members (Mims, Stoccardo)	March 2019
Orange County Code Chapter 38	Land Use and Zoning - Protection of conservation corridors (e.g. linear facilities) by enhancing and maintaining environmental habitat quality.	Member Stoccardo	3/29/2019
Orange County Code Chapter 38	Land Use and Zoning - Create a passive recreation and conservation land purchasing funding source.	Member Stoccardo	3/29/2019
Orange County Code Chapter 38	Land Use and Zoning - Create a legislature procedure to stabilize Future Land Use Map (FLUM) Urban Service Area of Orange county.	Member Stoccardo	3/29/2019
Orange County Code Chapter 38	Land Use and Zoning - Protection of lands lying outside the Urban Service Area boundary to the Urban Service	Member Stoccardo	3/29/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Area, Discourage changing land use density or intensity on lands lying outside the Urban Service Area Boundary, or adds lands outside the Urban Service Area Boundary to either the Settlement Area Overlay or the Affordable Housing		
	Membership for All County Commissions and Boards: Members can't be an Active paid Lobbyist.	Member Stoccardo	3/29/2019
Orange County Code Chapter 38	Land Use and Zoning - Up zoning from Agriculture: Should go to the voters to decide if it's outside the USA.	Member Stoccardo	3/29/2019
Orange County Charter Article III Section 301	County Administration – There shall be an executive branch having jurisdiction over all operations of the county government not herein assigned to the legislative branch or otherwise provided by this charter.	Member Mims	3/29/2019
Orange County Charter Article V Section 505	Voluntary Annexation – The board of county commissioners may designate a “preservation districts” that are not within municipalities that has existing historical and cohesive residential communities.	Member Mims	3/29/2019
Orange County Charter Article VII Section 704	General Provisions – State Law reference, any current conflicts between county and municipal ordinances.	Member Mims	3/29/2019
Orange County Code Chapter 9	Unlicensed Contractor Activity – 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.	Member Steinhauer, Esq.	4/9/2019
	Growth of Orange County – Recommends a study of the growth.	Mayor Cole, Town of Eatonville	4/11/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
Orange County Code Chapter 38	Land Use and Zoning – Up zoning from Agriculture Outside the Urban Service Area: Recommend zoning change go to the voters of Orange County.	Marjorie Holt on behalf of Sierra Club Central Florida	4/11/2019
Orange County Code Chapter 38	Land Use and Zoning – 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.	Marjorie Holt on behalf of Sierra Club Central Florida	4/11/2019
Orange County Code Chapter 38	Land Use and Zoning – 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.	Marjorie Holt on behalf of Sierra Club Central Florida	4/11/2019
Orange County Code Chapter 38	Land Use and Zoning - Dedicated Funding for Green Place Land Acquisition Program	Marjorie Holt on behalf of Sierra Club Central Florida	4/11/2019
Orange County Charter Article II Sections 202, 203, 204	Number and Composition of County Commission Districts – Until a Commissioner is considered full time, there is not a need for an additional district.	Emmett O'Dell	5/1/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
Orange County Code Chapter 38	Land Use and Zoning – Requests that the CRC become familiar with the topic that was brought to the past CRC for further vetting	David Siegel	5/1/2019
Orange County Charter Article VI Section 601, 602, 603	Initiative Petitions – The CRC initiative petitions proposal set a series of rules that is limiting. Requests that the topic be brought up again for further consideration.	Doug Head	5/1/2019
Orange County Code Chapter 2	Membership and Mission Review Board – Charged with making sure other boards are on the right track in completing their tasks.	Doug Head	5/1/2019
	Climate Change – Take steps to deal with the problem including placing solar panels on schools.	Pete Dunkelberg	5/1/2019
Orange County Code Chapter 38	Land Use and Zoning – Help protect the rural settlement in Orange County.	Pamela Sible	5/1/2019
Orange County Code Chapter 38	Land Use and Zoning – Entered in to the record the nine issues that continuously emerge as growth management challenges and concerns for Orange County residents.	John Lina	5/1/2019
Orange County Code Chapter 38	Land Use and Zoning – Concerns with House Bill 883 which proposes to allow development of any area within two miles of an institution.	Luiza Martinez	5/1/2019
	Ballot Questions – Single-Subject Rule for Proposed Amendments	Terry Olson	5/1/2019
Orange County Code Chapter 38	Land Use and Zoning – Protecting green areas	Mark Bernhardt	5/1/2019
Orange County Code Chapter 38	Land Use and Zoning – Request the Commission research the following topics for consideration of a citizen vote: eliminate the option of privately led text amendments, create a rural boundary for enclaves and	Kelly Semrad	5/1/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	settlements, protection of the rural service area and stricter environmental policies.		
Orange County Charter Article II Sections 202, 203, 204	Number and Composition of County Commission Districts – If examined, the Comptroller's Office will update previous cost estimates and other analysis from when the topic came up in the past.	Comptroller Phil Diamond	6/5/2019
	Tourist Development Tax – As administrator of the TDT funds, there is already significant oversight over the appropriation and spending of those funds. The process is monitored very closely. Comptroller Finance staff is available to provide assistance as necessary.	Comptroller Phil Diamond	6/5/2019
Orange County Code Chapter 9	Unlicensed Contractor Activity – The Comptroller's Office conducted an audit in 2017 regarding unlicensed contractor activity. This activity is a threat to public health and safety, takes advantage of individuals and is typically not inspected. Supports any Charter or Code amendment to enable the County's Consumer Fraud Unit to investigate and enforce complaints.	Comptroller Phil Diamond	6/5/2019
	Continue to support non-partisan elections.	Commissioner Christine Moore	6/5/2019
Orange County Charter Article II Sections 202, 203, 204	Number and Composition of County Commission Districts – Able to manage the amount of work in District 2. Can accommodate the work load by how the districts are created. Additional commissioners are not necessary.	Commissioner Christine Moore	6/5/2019
Orange County Code Chapter 11	Code Enforcement – Very important to communities without a HOA. Difficult to obtain contact information from communities in order to communicate with residents about issues.	Commissioner Christine Moore	6/5/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
Orange County Charter Article III	County Administration – Propose separating the executive and legislative branches in order to have more checks and balances. The Mayor will be its own executive branch, and the Commissioners will make up the legislative branch. Mayor may have veto power. If Commissioners disagreed, they could overrule with a 2/3 vote. Developers will have less control.	Commissioner Emily Bonilla	6/5/2019
Orange County Code Chapter 38	Land Use and Zoning – Strengthen the protection of the Rural Boundary.	Commissioner Emily Bonilla	6/5/2019
	Climate Change - Consider a resolution for the County to go to non-carbon energy by 2050. Look towards a Greenworks Department to fix up older buildings, look at green building codes, and install solar panels for new construction.	Pete Dunkelberg	6/5/2019
	Consider a County wide plastic straw ban.	Eric Rollings	6/5/2019
Orange County Charter Article II Sections 202, 203	Number and Composition of County Commission Districts	Todd Catella	6/5/2019
Orange County Charter Article VII Section 707	Ethics for Appointing Lobbyist to Citizen Boards and Commissions: Prohibition	Member Stoccardo	6/28/2019
Orange County Code Chapter 38	Land Use and Zoning – Rural Lands Protection	Member Stoccardo	6/28/2019
Orange County Code Chapter 38	Land Use and Zoning – Annexation	Member Stoccardo	6/28/2019
Orange County Code Chapter 38	Land Use and Zoning – Agriculture Protection	Member Stoccardo	6/28/2019
Orange County Code Chapter 38	Land Use and Zoning – Urban Service Area	Member Stoccardo	6/28/2019
Orange County Code Chapter 9	Unlicensed Contractor Activity	Marjorie Holt	7/10/2019
Orange County Code Chapter 38	Land Use and Zoning	Marjorie Holt	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Marjorie Holt	7/10/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
Orange County Charter Article VII Section 707	Ethics for Appointing Lobbyist to Citizen Boards and Commissions: Prohibition – Question why advisory boards are excluded.	Bob Olsen	7/10/2019
Orange County Code Chapter 11	Code Enforcement – Pine Hills	Roselyn Clouden	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Chuck O'Neal	7/10/2019
	Request that the Commission consider a longer time allotment for comments from citizens initiating a proposal.	Emmett O'Dell	7/10/2019
Orange County Code Chapter 38	Land Use and Zoning	Bill Lutz	7/10/2019
Orange County Charter Article II Sections 202, 203	Number and Composition of County Commission Districts	Bill Lutz	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Bill Lutz	7/10/2019
Orange County Code Chapter 38	Land Use and Zoning	Kelly Semrad	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Kelly Semrad	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Arlene Cuellar	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Jane Goddard	7/10/2019
	Annexation – Request for Orlo Vista to remain unincorporated.	Debi Meli	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Debi Meli	7/10/2019
Orange County Charter Article II Sections 202, 203	Number and Composition of County Commission Districts – Increase the districts from 6 to 8	Trini Quiroz	7/10/2019
Orange County Code Chapter 38	Land Use and Zoning	John Lina	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	John Lina	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Steve Meyers	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Peri Sedigh	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers vs. growth, Need to determine whether issues are Charter or County related	Todd Catella	7/10/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Rights of the Wekiva and Econlockhatchee Rivers	Barbara Anderson	7/10/2019
	Rights of the Wekiva and Econlockhatchee Rivers	Vicki Vargo	7/10/2019
Orange County Code Chapter 11	Code Enforcement – Urban Service Area	Vicki Vargo	7/10/2019
	Parking on Septic Tanks	Vicki Vargo	7/10/2019
Orange County Charter Article II Sections 202, 203	Number and Composition of County Commission Districts – Until a Commissioner is considered full time, there is no need for an additional district.	Emmett O'Dell	8/7/2019
	School Concurrency – Assist in opening newly developed public schools in Horizon West sooner to alleviate the overcrowding that the students are facing	Jodi Jessop	8/7/2019
	Allocate tourist dollars to the development of homeless shelters	Trini Quiroz	8/7/2019
	Request for transparency	Emmett O'Dell	10/2/2019
	School Concurrency	Jodi Jessop	10/2/2019
	School Concurrency	Marci Sgattoni	10/2/2019
	School Concurrency	Laura Kelly	10/2/2019
	School Concurrency	Julie Salvo	10/2/2019
	School Concurrency	Eileen Fernandez	10/2/2019
	School Concurrency	Orange County Public School Board Chair Teresa Jacobs	10/2/2019
	School Concurrency	Melissa Byrd	10/2/2019
Orange County Charter Article VII Section 707	Ethics Concerning Lobbyist	Anh Volmer	10/2/2019
Orange County Charter Article VII Section 707	Ethics Concerning Lobbyist	Julie Sadlier	10/2/2019
	School Concurrency	Pam Gould	10/2/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Requests that the commission allow public comment before the reading of a proposed charter amendment	Anh Volmer	11/6/2019
	Split Oak	Megan Sorbo	11/6/2019
	Split Oak	Nicole Wilson	11/6/2019
	Split Oak / Number and Composition of County Commission Districts	Pete Clarke	11/6/2019
	Requests that the commission allow public comment before the reading of a proposed charter amendment/ CRC procedures/ Split Oak/ Citizen-Initiated Charter and Ordinance Amendment Process	Emmett O'Dell	11/6/2019
	Split Oak	Chuck O'Neal	11/6/2019
	Split Oak	Valerie Anderson	11/6/2019
	Split Oak	Mikala Wells	11/6/2019
	Citizen-Initiated Charter and Ordinance Amendment Process	Gloria Pickar	11/6/2019
	Number and Composition of County Commission Districts	Carol Foglesong	11/6/2019
	Split Oak	Suzanne Arnold	11/6/2019
	Split Oak	Steve Meyers	11/6/2019
	Split Oak	Sharon McBreen	11/6/2019
	Citizen-Initiated Charter and Ordinance Amendment Process	Ericka Gomez-Tejeda	11/6/2019
	Split Oak	Gretchen Robinson	11/6/2019
	Split Oak	Marjorie Holt	11/6/2019
	Split Oak	Member Auffant	11/6/2019
	Citizen-Initiated Charter and Ordinance Amendment Process	Member Santiago	11/6/2019

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
Orange County Charter Article VII Section 707	Ethics Concerning Lobbyist	Emmett O'Dell	12/4/2019
	Split Oak / Rights of the Wekiva and Econlockhatchee Rivers	Todd Catella	1/9/2020
	Split Oak	Sally Baptiste	1/9/2020
	Permanent Funding of Green PLACE	Bobby Beagles	1/9/2020
	Split Oak	Mary Nesler	1/9/2020
	Split Oak	Valerie Anderson	1/9/2020
	Split Oak	Jess Kovach	1/9/2020
	Split Oak	Bob Sanders	1/9/2020
	Split Oak	Peter Herrera	1/9/2020
	Split Oak	Julia Hara	1/9/2020
	Split Oak	Lisa Ray	1/9/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Chuck O'Neal	2/5/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Steve Meyers	2/5/2020
	Permanent Funding of Green PLACE /Split Oak / Rights of the Wekiva and Econlockhatchee Rivers	Valerie Anderson	2/5/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Marcos Vilar	2/5/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Nicole Wilson	2/5/2020
Orange County Charter Article VII Section 707	Ethics Concerning Lobbyist	Sally Baptiste	2/5/2020
Orange County Charter Article VII Section 707	Ethics Concerning Lobbyist	Anh Volmer	2/5/2020
	Rights of the Wekiva and Econlockhatchee Rivers / Permanent Funding of Green PLACE	Marj Holt	2/5/2020
Orange County Charter Article VII Section 707	Ethics Concerning Lobbyist	Sally Baptiste	3/4/2020

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Rights of the Wekiva and Econlockhatchee Rivers	Chuck O'Neal	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Doris O'Neal	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Steve Meyers	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Nick Asma	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Anh Volmer	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Jim Durocher	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Mark Glaser	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Val Mobley	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Nicole Wilson	3/4/2020
	Rights of the Wekiva and Econlockhatchee Rivers	Jess Kovach	3/4/2020
	Split Oak	Valerie Anderson	4/20/2020
	Split Oak	Anna Marie Clarke	4/20/2020
	Split Oak	Jessica Sullivan	4/20/2020
	Split Oak	Katrina Shadox	4/20/2020
	Split Oak	Lynette Scible	4/20/2020
	Split Oak	Emily Lapham	4/20/2020
	Split Oak	Greg Noonan	4/20/2020
	Split Oak	Sharon McBreen	4/20/2020
	Split Oak	Karina Veaudry	4/20/2020
	Split Oak	Ahn Volmer	4/20/2020
	Split Oak	Lee Perry	4/20/2020
	Split Oak	Tayler Figueroa	4/20/2020
	Split Oak	Michael Cortez	4/20/2020
	Split Oak	Kimberly Heise	4/20/2020
	Split Oak	Nicole Wilson	4/20/2020
	Split Oak	Eliot Kersgaard	4/20/2020

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Split Oak	Kimberly Buchheit	4/20/2020
	Split Oak	Forest Gray Michael	4/20/2020
	Split Oak	Lisa Jelks	4/20/2020
	Split Oak	Jess Kovach	4/20/2020
	Split Oak	Gretchen Robinson	4/20/2020
	Split Oak	Chuck O'Neal	4/20/2020
	Split Oak	Caitlin Fogarty	4/20/2020
	Split Oak	David Wegman	4/20/2020
	Split Oak	Sharon McBreen	5/6/2020
	Split Oak	Lynette Scible	5/6/2020
	Split Oak	Jessica Sullivan	5/6/2020
	Split Oak	Kimberly Buchheit	5/6/2020
	Split Oak	Emily Lapham	5/6/2020
	Split Oak	Valerie Anderson	5/6/2020
	Split Oak	Kimberly Heise	5/6/2020
	Split Oak	Anh Volmer	5/6/2020
	Split Oak	Jerome J Madigan	5/6/2020
	Split Oak	Cynthia Baker	5/6/2020
	Split Oak	Bill Beard	5/6/2020
	Split Oak	Alison Beard	5/6/2020
	Split Oak	Tim Janney	5/6/2020
	Split Oak	Harry Hecht	5/6/2020
	Split Oak	Junior McGovern	5/6/2020
	Split Oak	Gloria Tyrie	5/6/2020
	Split Oak	Marilyn Diaz	5/6/2020
	Split Oak	Patrick Fore	5/6/2020

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Split Oak	Caroline Foust	5/6/2020
	Split Oak	Becky Wells	5/6/2020
	Split Oak	Blue Kaufman	5/6/2020
	Split Oak	Cam Abascal	5/6/2020
	Split Oak	Linda Hennig	5/6/2020
	Split Oak	Stacy Ford	5/6/2020
	Split Oak	Belmont Murray	5/6/2020
	Split Oak	Bob Turner	5/6/2020
	Split Oak	Val Mobley	5/6/2020
	Split Oak	Terise Robers	5/6/2020
	Split Oak	Eric Gardze	5/6/2020
	Split Oak	Elizabeth Tuura	5/6/2020
	Split Oak	Vicki Tindall	5/6/2020
	Split Oak	Shannon Normand	5/6/2020
	Split Oak	Michael Johnson	5/6/2020
	Split Oak	Vince	5/6/2020
	Split Oak	Mary A. Nesler	5/6/2020
	Split Oak	Angelene Bray	5/6/2020
	Split Oak	Trina Ryan	5/6/2020
	Split Oak	Rebecca Eagan	5/6/2020
	Split Oak	Forest Grey Michael	5/6/2020
	Split Oak	Barbara Cady	5/6/2020
	Split Oak	Rachel E. Deming	5/6/2020
	Split Oak	Reid Gill	5/6/2020
	Split Oak	Drew Gil	5/6/2020
	Split Oak	Eric Rollings	5/6/2020

2020 Orange County Charter Review Potential Topics for Evaluation
(as of May 14, 2020)

Orange County Charter or Code Provision	Potential Evaluation Topic	Proposer	Date Proposed
	Split Oak	Kathleen Fitzgerald	5/6/2020
	Split Oak	Nicole Wilson	5/6/2020
	Citizen-Initiated Charter and Ordinance Amendment Process	Anh Volmer	5/14/2020

APPENDIX E

Minutes of 2020 Charter Review Commission Public Hearings and Meetings

Orange County Government

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



Final Meeting Minutes

Monday, February 25, 2019

4:30 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

Carmen Torres, Vice Chair

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

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

Eugene Stoccardo–Anthony (Tony) Suarez–Dotti Wynn

Call to Order

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

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

Others present:

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

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

Official Recognized: Orange County Tax Collector Scott Randolph

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

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

II. Purpose of the CRC

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

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

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

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

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

Discussion ensued.

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

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

Discussion ensued.

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

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

Discussion ensued.

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

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

Discussion ensued.

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

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

Discussion ensued.

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

Assistant County Attorney Kate Latorre called for nominations of Chair.

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

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

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

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

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

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

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

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

Chair Evans called for nominations for Vice Chair.

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

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

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

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

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

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

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

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

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

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

Discussion ensued.

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

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

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

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

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

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

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

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

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

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

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

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

Discussion ensued.

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

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

VI. Member Comment

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

VII. Public Comment

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

VIII. Adjournment

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



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Thursday, March 14, 2019

4:00 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

Carmen Torres, Vice Chair

*James R. Auffant–Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–
Jeffrey A. Miller–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 4:00 p.m.

Present 15 - Member Camille Evans, Member Lee Steinhauer, Member John E. Fauth, Member Jack Douglas, Member Eugene Stoccardo, Member Matthew Klein, Member Russell Drake, Member Samuel Vilchez Santiago, Member Jeffrey A. Miller, Member Carmen Torres, Member Dotti Wynn, Member Soraya Smith, Member James R. Auffant, Member Anthony (Tony) Suarez, and Member Nikki Mims

Others present:

Assistant County Attorney Kate Latorre
CRC Administrative Assistant Julie Alvin
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Jennifer Lara-Klimetz
Senior Minutes Coordinator Craig Stopyra

Pledge of Allegiance**I. Public Comment**

No one addressed the Charter Review Commission for public comment.

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

A motion was made by Member Wynn, seconded by Member Auffant, to approve the minutes of the February 25, 2019, meeting; and further, amend the voting record for agenda item V. D. Future Meeting Schedule to reflect Member Klein's vote not as aye but as present. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Steinhauer, Member Douglas, Member Stoccardo, Member Klein, Member Drake, Member Santiago, Member Miller, Member Torres, Member Wynn, Member Smith, Member Auffant, and Member Mims

Absent: 2 - Member Fauth, and Member Suarez

NONAGENDA

Chair Evans welcomed the newest member, appointed by District 6, to the CRC. Member Mims introduced herself and shared her mission.

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

Assistant Deputy Clerk Jessica Vaupel presented an update of the CRC budget for Fiscal Year 2019. The Board of County Commissioners (BCC) will approve the CRC budget for Fiscal Year

2020. Chair Evans requested examples of prior fiscal year CRC budgets. Discussion ensued.

IV. Sunshine Law and Public Records in Social Media

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

Assistant County Attorney Kate Latorre presented information regarding Sunshine and Public Records Laws in Social Media. She informed CRC members that Sunshine Laws and Public Records Laws do apply and will always apply to the CRC's correspondence and activities, which includes creating a post or commenting on a post conducted on social media platforms if related to Orange County business. The record cannot be deleted or archived and would need to be made accessible, if necessary to fulfill a Public Records Request. All discussions with CRC members should only take place at a publicly noticed meeting. Ms. Latorre recommended to CRC members that they avoid any back and forth conversation with fellow CRC members regarding any items on the CRC agenda, potential CRC agenda items or any issue that could be discussed before the CRC. If CRC members choose to use social media platforms to promote awareness of the CRC, those posts are subject to Public Record and CRC members would be responsible for maintaining the records consistent with the State of Florida retention schedule. Ms. Latorre informed the CRC that text messages between CRC members or the public would also be considered public record. Discussion ensued.

V. General Counsel Procurement Process

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

Assistant Manager, Procurement Division, Zulay Millan presented an update regarding the General Counsel Procurement Process. Chair Evans informed the CRC that the County received the CRC's request to limit the Procurement Committee members to one Board of County Commissioner and two County staff personnel. The CRC delegates on the General Counsel Procurement Committee attended a training on March 5, 2019. Chair Evans highlighted important reminders from the training meeting. Ms. Millan discussed the lobbying blackout period. The period begins when a solicitation is issued and ends when the contract is awarded. She indicated that there should be no communication outside of publicly noticed meetings and no offline deliberations concerning the content of the proposals. The responses will be made public 30 days after being received or upon the recommendation being posted. The next General Counsel Procurement meeting is scheduled for March 27, 2019, at 1 p.m. and is open to the public. Discussion ensued.

VI. Meeting Schedule and Invitations for Presentations

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

Chair Evans presented an update regarding the CRC meeting schedule and the invitations to elected officials for presentations. The schedule, at this time, does not include any committee meetings, which will be determined at a later time. The first District public hearing will occur in May, and will begin at 6 p.m. Regular business meetings, in BCC chambers, will begin at 5:30 p.m., with the exception of the next scheduled CRC meeting in April, which will start at 4 p.m.

VII. Potential Areas of Focus

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

Chair Evans requested CRC members share ideas for potential areas of focus. Chair Evans informed the CRC members of her intention not to start assigning committee responsibilities but encouraged CRC members to bring forth topics of interest.

Vice Chair Torres shared her potential areas of focus pertaining to Constitutional Officers. She indicated none of the approved changes as the result of the 2016 election had been incorporated for Sections 703, 706, 709 and new Section 713. Chair Evans stated she would consider the evaluation of the amendments regarding Constitutional Officers from 2014, 2016, and 2018. Discussion ensued.

Vice Chair Torres shared another area of focus regarding increasing the number of Commission Districts. Discussion ensued. Chair Evans expressed her desire to bring forth an evaluation of the number of Districts and the alignment of Districts in Orange County.

Chair Evans informed CRC members about the resource provided by Staff about the CRC history, which includes a list of prior committees, topics of committees and who was assigned to the committees.

Member Stoccardo would like to discuss the following topics:

- Structure of current government, both legislative and executive branches.
- Environmental committee dealing with the urban service line and restricting urban sprawl.
- Transit and transportation issues.

Discussion ensued.

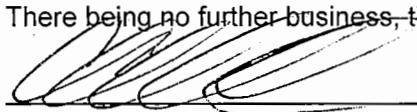
Member Santiago asked about the procedure for creating subcommittees. Chair Evans indicated there is no mandatory strategy but in the past, the County has provided best practices. Chair Evans informed the CRC members of her intent to schedule a publicly noticed meeting with the Vice Chair to discuss the areas of focus presented and the subcommittees she would suggest to bring before the CRC group for consideration. Discussion ensued.

Chair Evans recommended that the CRC members identify the provisions and sections in the Charter that could be amended. Member Klein suggested CRC members submit their ideas in writing for consideration by the Commission. Chair Evans requested CRC members submit their issues in writing, by March 29, and include an explanation of the proposal. Topics will be incorporated into the next regular agenda. CRC members can send correspondence to the Charter email address.

Vice Chair Torres reiterated the importance of reading the Charter.

VIII. Adjournment

There being no further business, the CRC adjourned at 4:53 p.m.

A handwritten signature in black ink, appearing to read 'Camille Evans', written over a horizontal line.

Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Thursday, April 11, 2019

4:00 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

Carmen Torres, Vice Chair

*James R. Auffant–Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–
Jeffrey A. Miller–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 4:00 p.m.

Present: 15 - Member Camille Evans, Member Lee Steinhauer, Member John E. Fauth, Member Jack Douglas, Member Eugene Stoccardo, Member Matthew Klein, Member Russell Drake, Member Samuel Vilchez Santiago, Member Jeffrey A. Miller, Member Carmen Torres, Member Dotti Wynn, Member Soraya Smith, Member James R. Auffant, Member Anthony (Tony) Suarez, and Member Nikki Mims

Others present:

Assistant County Attorney Kate Latorre
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Public Comment - Elected Official**

Town of Eatonville Mayor Eddie Cole addressed the CRC requesting a study on the growth within Orange County to examine potential areas of focus and need for change.

II. Chair Comments

Chair Evans addressed the CRC regarding the following items:

- CRC Members desiring to speak during the meeting are asked to select the "queue" button on the panel box that sits in front of them. Chair Evans has requested that CRC Members familiarize themselves with the queue button/panel box. The panel box will not be used to record votes.
- Chair Evans has included a new Agenda section entitled "New Business". CRC members are encouraged to submit ideas, comments, and changes to CRC staff for inclusion in future Agendas.
- Chair Evans and Vice Chair Torres will be conducting Sunshine Meetings to discuss CRC issues and developments for the upcoming CRC meetings. Chair Evans mentioned CRC members are subject to the Florida Sunshine Law and cannot discuss the charter review outside of publicly noticed meetings. These Sunshine Meetings between Chair Evans and Vice Chair Torres will be held throughout the duration of the CRC and will be properly noticed, recorded and made available to CRC members and the public. All meetings shall be open to the public and Chair Evans encouraged CRC members to attend.

III. Consent Item

[CRC-20-017](#) Approval and execution of the minutes of the February 25, 2019 and March

14, 2019 meetings of the Charter Review Commission (CRC).

Deputy Clerk Katie Smith addressed the CRC regarding approval of the minutes of February 25, 2019. Ms. Smith indicated that, per the CRC's request, the minutes be amended to indicate a CRC member voting "present" when a motion was made for approval of the minutes. Ms. Smith reminded CRC members when voting on a motion, any member stating "present" is abstaining. Per Florida Statute, members present at the CRC meetings must vote either yes or no, unless there is a conflict of interest.

A motion was made by Member Wynn, seconded by Member Santiago to approve the minutes of February 25, 2019 meeting of the Charter Review Commission with the original language. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Torres, Member Wynn, Member Stoccardo, Member Douglas, Member Auffant, Member Miller, Member Fauth, Member Steinhauer, Member Klein, Member Santiago, Member Smith, and Member Mims

Absent: 2 - Member Drake, Member Suarez

A motion was made by Member Torres, seconded by Member Douglas, to approve the minutes of March 14, 2019. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Steinhauer, Member Fauth, Member Douglas, Member Stoccardo, Member Klein, Member Santiago, Member Miller, Member Torres, Member Wynn, Member Smith, Member Auffant, and Member Mims

Absent: 2 - Member Drake, and Member Suarez

IV. Informational Items

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

[CRC-20-018](#) Sunshine Meeting Report - March 22, 2019 Meeting with Chair Evans and Vice Chair Torres

Chair Evans opened discussion with regards to the Report of the March 22, 2019 Sunshine Meeting between Chair Evans and Vice Chair Torres. Ms. Smith contributed to discussion and informed the CRC that staff is providing public notice of the Sunshine Meetings via the following:

- County's Bulletin Board
- Comptroller's Website
- District Commissioners' Offices
- Orange TV

Ms. Smith reiterated the Sunshine Meeting Notices are being published on the County's Community Board located on the First Floor as well as on the Comptroller's website, on the Charter Review Commission's page.

[CRC-20-019](#) Memorandum - April 2, 2019 CRC Community Outreach

Chair Evans opened discussion in reference to the April 2, 2019 Memorandum regarding CRC Community Outreach. Ms. Smith detailed the community outreach efforts conducted by members of the CRC and staff. The Memorandum outlined the methods being utilized for community outreach as follows:

- Comptroller and County Websites
- District Commissioner Newsletters
- Press Releases through Orange TV
- CRC Followers List
- Invitation to Mayor, BCC Commissioners, Constitutional Officers, Municipal Officers
- CRC Voter Outreach
- Local organizations and agencies

Discussion ensued. Ms. Smith contributed to discussion and informed CRC members of the extensive process of attaining district public hearing meeting spaces.

[CRC-20-020](#) Press Release - May 1, 2019 District 5 Public Hearing

Chair Evans opened discussion with regards to the Press Release for the District 5 Public Hearing, to be held at the Winter Park Community Center located at 721 West New England Avenue on May 1, 2019, at 6 p.m. Discussion ensued regarding press release distribution. Community outreach efforts would be applied to every meeting being conducted by two or more CRC members as outlined in the Community Outreach Memorandum.

V. Discussion Items[CRC-20-021](#) Future Meeting Schedule and Notice of Public Hearing Publications

Chair Evans opened discussion regarding the CRC future meeting schedule and notice of public hearings. Ms. Smith contributed to the discussion and provided the following upcoming meeting schedule as follows:

- District 5 Public Hearing, at the Winter Park Community Center on May 1, 2019, at 6 p.m.
- CRC Regular Business Meeting at the County Commission Chambers on June 5, 2019, at 5:30 p.m.
- District 6 Public Hearing at Holden Heights Community Center on July 10, 2019, at 6 p.m.

Ms. Smith mentioned Chair Evans' suggestion regarding advertising public hearing notices in the Orlando Sentinel for each of the District Public Hearings. Staff would run the notice once, ten days prior to the public hearing, and the public hearing notices would appear in the Sunday public record section of the Orlando Sentinel.

[CRC-20-022](#) Selection of Shepard, Smith, Kohlmyer & Hand, P.A. to provide legal services to the Charter Review Commission

Chair Evans presented a brief overview regarding the review, selection and scoring process of General Counsel for the CRC. Chair Evans, Member Klein and Member Wynn, along with two staff members of the County's Procurement Division were, on the Procurement Committee for selection of General Counsel. Two proposals were submitted and received by the Procurement Committee. On March 27, 2019, a publically noticed procurement meeting was conducted to review the scoring of each Procurement Committee member for the two proposals received. Based upon the review of the Procurement Committee, Shepard, Smith, Kohlmyer & Hand, P.A. was recommended to provide legal services to the CRC. Discussion ensued.

The following person addressed the CRC: Clifford B. Shepard.

A motion was made by Member Wynn, seconded by Member Klein, to select Shepard, Smith, Kohlmyer & Hand, P.A. as General Counsel to the Charter Review Commission. The motion carried by the following vote:

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

Absent: 1 - Member Drake

[CRC-20-023](#) Future Presentation Regarding Status of Constitutional Officers

Chair Evans opened discussion with regards to the status of Constitutional Officers. Ms. Smith contributed to discussion. Chair Evans requested General Counsel prepare a presentation regarding the Status of Constitutional Officers.

I. Public Comment (Continued)

The following person addressed the CRC for public comment: Marjorie Holt.

VI. New Business


Chair Evans informed the CRC that the next Sunshine Meeting between herself and Vice Chair Torres would be taking place shortly. The Sunshine Meeting would be properly noticed and would include the date and time. Chair Evans encouraged members of the CRC and the public to attend.

Chair Evans thanked the CRC members who submitted their ideas for consideration for the May 1, 2019 CRC Meeting. Chair Evans encouraged the CRC members to continue submitting their ideas for consideration to CRC staff.

Member Auffant, Member Steinhauer, and Member Stoccardo voiced their desire to serve on the subcommittee regarding the environment and development of Orange County. Chair Evans thanked those members wishing to serve and indicated the formation of subcommittees within the CRC would be considered at a later date.

VII. Adjournment

There being no further business, the CRC adjourned at 4:51 p.m.

A handwritten signature in black ink, appearing to read 'Camille Evans', is written over a horizontal line.

Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Wednesday, May 1, 2019

6:00 PM

District 5 - Winter Park 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

The meeting was called to order at 6:02 p.m.

Present: 15 - Member Camille Evans, Member Lee Steinhauer, Member John E. Fauth, Member Jack Douglas, Member Eugene Stoccardo, Member Matthew Klein, Member Russell Drake, Member Samuel Vilchez Santiago, Member Jeffrey A. Miller, Member Carmen Torres, Member Dotti Wynn, Member Soraya Smith, Member James R. Auffant, Member Anthony (Tony) Suarez, and Member Nikki Mims

Others present:

Assistant County Attorney Kate Latorre
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Craig Stopyra

Pledge of Allegiance**Invited Speaker: Commissioner Emily Bonilla**

Janette Martinez, District 5 Administrative Aide, speaking on behalf of Commissioner Emily Bonilla, welcomed the CRC members and thanked residents for attending the meeting.

I. Public Comment

The following persons addressed the CRC for public comment:

- Emmett O'Dell
- David Siegel
- Doug Head
- Pete Dunkelberg
- Pamela Sible
- John Lina
- Kelly Semrad
- Luiza Martinez
- Terry Olson
- Mark Bernhardt

The following material was presented to the CRC prior to the close of public comment: Exhibit 1, from John Lina.

II. Consent Item

- A. CRC-20-028** Approval and execution of the minutes of the April 11, 2019 meeting of the Charter Review Commission (CRC)

A motion was made by Member Wynn, seconded by Member Auffant, to approve and execute the minutes of April 11, 2019. The motion carried by the following vote:

Aye: 15 - Member Evans, Member Steinhauer, Member Fauth, Member Douglas, Member Stoccardo, Member Klein, Member Drake, Member Santiago, Member Miller, Member Torres, Member Wynn, Member Smith, Member Auffant, Member Suarez, and Member Mims

III. Informational Items

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

A. CRC-20-029 Sunshine Meeting Report - April 18, 2019 Meeting with Chair Evans and Vice Chair Torres

Chair Evans presented an update in regards to the Sunshine Meeting held on April 18, 2019 between Chair Evans and Vice Chair Torres. Upcoming meetings between Chair Evans and Vice Chair Torres will be publicly noticed, and Chair Evans invited CRC members to attend.

B. CRC-20-030 Update on Appointment of Administrative Assistant

Assistant Deputy Clerk Jessica Vaupel presented an update on the appointment of a new Administrative Assistant. The goal is to have the new Administrative Assistant start by the June 5 regular business meeting.

IV. Discussion Items

A. CRC-20-031 General Counsel Update

Chair Evans presented the General Counsel update and shared with CRC members that General Counsel is not yet officially engaged due to some challenges in the procurement process. Chair Evans expects that before the next CRC regular business meeting that General Counsel will be engaged and providing work product to the CRC. Discussion ensued.

B. CRC-20-032 Memorandum - Historical Information Collected by the CRC on the Evaluation of the Number of Commission Districts

Chair Evans discussed the Memorandum, which included historical information collected by the CRC on the evaluation of the number of Commission Districts.

V. New Business

Chair Evans informed CRC members of an email that was provided, late in the day, by the Sierra Club to CRC Staff regarding their written description of specific action items they would like the CRC to evaluate. CRC Staff provided the email to CRC members prior to the CRC district 5 public hearing.

Chair Evans explained her process regarding selecting topics for the CRC to evaluate. Chair Evans stressed the importance of focusing on specific issues that are appropriate for the Charter and using resources efficiently.

Chair Evans discussed the timeline of how work groups will be established. Her expectation is

that, as issues come before the CRC, the agendas for future meetings will address specific topics of interest and provide documents in advance so that the CRC is prepared to make an informed decision regarding the formation of a subcommittee. Topics of interest will be discussed by Chair Evans with General Counsel to see if they are applicable to the Charter. Topics will appear on the agenda as Action Items rather than under New Business. Discussion ensued.

Sunshine Meetings between the Chair and Vice Chair are publicly noticed meetings. Ms. Vaupel notified the CRC that meetings are advertised on the Comptroller's website as well on the County's bulletin board located on the first floor of the County Administration Center. The website also contains a copy of the meeting schedule, which is updated weekly. Any subcommittees that are formed will have their notice also posted online.

Chair Evans discussed the timeline and procedure of how CRC members can submit recommendations to be placed on the agenda. Discussion ensued. Ms. Vaupel reminded CRC members that there is a synopsis of prior CRC subcommittee recommendations in the Charter Review History Notebook on the Comptroller's website.

VII. Adjournment

There being no further business, the CRC adjourned at 7:06 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final 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.

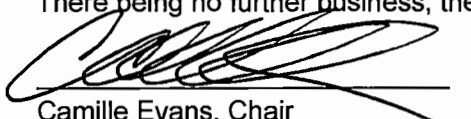
VI. New Business

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 Government

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



Final Meeting Minutes

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

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

Present: 12 - Member Camille Evans, Member Carmen Torres, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Jeffrey A. Miller, Member Nikki Mims, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, and Member Dotti Wynn

Absent: 3 - Member Matthew Klein, Member Samuel Vilchez Santiago, and Member Anthony (Tony) Suarez

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra

Pledge of Allegiance**I. Invited Guest**

District 6 Board of County Commissioner (BCC) Victoria P. Siplin

Commissioner Siplin thanked CRC members for their service and residents for making their voices heard and concerns known to the CRC.

II. Public Comment

The following persons addressed the CRC for public comment:

- Marj Holt
- Bob Olsen
- Roselyn Clouden
- Chuck O'Neal
- Emmett O'Dell
- Bill Lutz
- Kelly Semrad
- Arlene Cuellar
- Jane Goddard
- Debi Meli
- Trini Quiroz
- John Lina
- Steve Meyers
- Peri Sedigh
- Todd Catella
- Barbara Anderson
- Vicki Vargo

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).

A motion was made by Member Wynn, seconded by Vice Chair Torres, to approve and execute the Minutes of June 5, 2019. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Torres, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Miller, Member Mims, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

IV. Discussion Items

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

CRC General Counsel Cliff Shepard presented the Proposed Charter Review Topic - Number and Composition of County Commission Districts and stated that this topic has been addressed in every Charter Review Commission since 2000 and was rejected each time before or after the topic was evaluated. CRC General Counsel Shepard discussed the pros and cons as argued previously. Discussion ensued. CRC General Counsel Shepard contributed to the discussion.

A motion was made by Member Smith, seconded by Member Mims, to have the Number and Composition of County Commission Districts established as an evaluation topic for the 2020 CRC. The motion carried by the following vote:

Aye: 8 - Member Douglas, Member Drake, Member Fauth, Member Miller, Member Mims, Member Smith, Member Stoccardo, and Member Torres

Nay: 4 - Member Auffant, Member Evans, Member Steinhauer, and Member Wynn

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

A motion was made by Member Auffant, seconded by Member Stoccardo, to establish the Number and Composition of County Commission Districts as a Subcommittee for the 2020 CRC. The motion carried by the following vote:

Aye: 12 - Member Auffant, Member Douglas, Member Drake, Member Evans, Member Fauth, Member Miller, Member Mims, Member Smith, Member Steinhauer, Member Stoccardo, Member Torres, and Member Wynn

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

Chair Evans appointed the following CRC members to serve on the Number and Composition of County Commission Districts Subcommittee:

Chair of Subcommittee: Vice Chair Torres

Subcommittee: Member Drake, Member Klein, Member Suarez, and Member Wynn

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

CRC General Counsel Shepard presented the Proposed Charter Review Topic - Various Topics Regarding Land Use and Zoning including information regarding agricultural zoned areas outside the urban service area, the requirement for a super majority vote of the BCC for ordinances that increase land use densities and intensities, urban service boundaries, dedicated funding for the Green Place Land Acquisition Program, and rural land protection by virtue of a super majority of the BCC for any annexations and a majority of the voters in the area to be annexed. Discussion ensued.

A motion was made by Member Stoccardo, seconded by Member Wynn, to have the Various Topics Regarding Land Use and Zoning established as an evaluation topic for the 2020 CRC. The motion failed by the following vote:

Aye: 4 - Member Torres, Member Drake, Member Fauth, and Member Stoccardo

Nay: 8 - Member Evans, Member Auffant, Member Douglas, Member Miller, Member Mims, Member Smith, Member Steinhauer, and Member Wynn

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

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

CRC General Counsel Shepard presented the Proposed Charter Review Topic - Unlicensed Contractor Activity within incorporated Orange County and stated that this topic had not been addressed by the CRC in previous cycles. The request is to consider amending the Charter to provide authority to the County to enter into interlocal agreements with cities to enforce unlicensed contractor activity in the area as being detrimental to the health, safety and welfare of citizens. Backup for this topic was provided in an audit that was conducted by the Orange County Comptroller's Office. CRC General Counsel Shepard suspects that the CRC will hear from the County Attorney's Office stating they already have the authority to do these interlocal agreements.

A motion was made by Member Steinhauer, seconded by Member Auffant, to table the Proposed Charter Review Topic - Unlicensed Contractor Activity within incorporated Orange County until the CRC receives information from the County Attorney's Office. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Torres, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Miller, Member Mims, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

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

CRC General Counsel Shepard presented the Proposed Charter Review Topic - Rights of the Wekiva River and Econlockhatchee River. The request is to amend the Orange County Charter to provide protection rights of natural features. Discussion ensued. CRC General Counsel Shepard contributed to the discussion.

A motion was made by Member Stoccardo, seconded by Vice Chair Torres, to have the Rights of the Wekiva River and Econlockhatchee River established as an evaluation topic for the 2020 CRC. The motion carried by the following vote:

Aye: 7 - Member Fauth, Member Douglas, Member Stoccardo, Member Drake, Member Torres, Member Auffant, and Member Mims

Nay: 5 - Member Evans, Member Miller, Member Smith, Member Steinhauer, and Member Wynn

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

A motion was made by Member Auffant, seconded by Member Stoccardo, to establish the Rights of the Wekiva River and Econlockhatchee River as a Subcommittee for the 2020 CRC. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Steinhauer, Member Fauth, Member Douglas, Member Stoccardo, Member Drake, Member Miller, Member Torres, Member Wynn, Member Smith, Member Auffant, and Member Mims

Absent: 3 - Member Klein, Member Santiago, and Member Suarez

Chair Evans appointed the following CRC members to serve on the Rights of Wekiva River and Econlockhatchee River Subcommittee:

Chair of Subcommittee: Member Stoccardo

Subcommittee: Member Auffant, Member Fauth, Member Mims, Member Suarez

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

CRC General Counsel Shepard presented the Proposed Charter Review Topic - Ethics for Appointing Lobbyist to Citizen Boards and Commissions: Prohibition. The request is for an ethics rule to be applied in the County through the Charter that would prohibit lobbyists from being appointed to committees except in so much to conflict with State law. CRC General Counsel Shepard added that it would prohibit for a period of two years after a citizen serving on a non-elected committee or Board commission position from becoming a paid lobbyist. Discussion ensued. CRC General Counsel Shepard contributed to the discussion.

CRC General Counsel Shepard will provide a brief to the CRC regarding the County's current rules of Ethics, State Law and lobbying pertaining to this proposed Charter Review Topic.

The motion that was made by Member Stoccardo, seconded by Vice Chair Torres, to have the

Ethics for Appointing Lobbyist to Citizen Boards and Commissions: Prohibition established as an evaluation topic for the 2020 CRC was rescinded by Member Stoccardo.

A motion was made by Member Stoccardo, seconded by Member Auffant, to table the Proposed Charter Review Topic - Ethics for Appointing Lobbyist to Citizen Boards and Commissions: Prohibition to the next CRC meeting. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Torres, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Miller, Member Mims, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

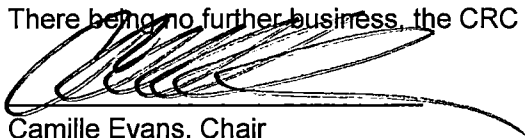
Absent: 3 - Member Klein, Member Santiago, and Member Suarez

V. New Business

Chair Evans reminded the audience that the Charter website has the process for submitting documents to get topics on the agenda. The next CRC meeting is scheduled for 6:00 p.m., on August 7, 2019, in District 1, at Dr. Phillips High School. The deadline for written materials is due to CRC Staff by close of business day on July 26, 2019. The agenda for the August 7, 2019, meeting will be distributed on July 31, 2019.

VI. Adjournment

There being no further business, the CRC adjourned at 8:51 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Wednesday, August 7, 2019

6:00 PM

District 1 - Dr. Phillips High School

2020 Charter Review Commission

CRC Members:

Camille Evans, 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

Orange County Government

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



Final Meeting Minutes

Wednesday, October 2, 2019

5:30 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order

The meeting was called to order at 5:33 p.m.

Present: 12 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Nikki Mims, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, and Member Anthony (Tony) Suarez

Absent: 2 - Member Jeffrey A. Miller, and Member Dotti Wynn

Others present:

CRC General Counsel Cliff Shepard
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Invited Guest**

- Tax Collector Scott Randolph

Orange County Tax Collector Scott Randolph addressed the CRC and provided a brief overview of the work conducted by his office.

II. Public Comment

The following persons addressed the CRC for public comment:

- Emmett O'Dell
- Jodi Jessop
- Marci Sgattoni
- Laura Kelly
- Julie Salvo
- Eileen Fernandez
- Orange County School Board Chair Teresa Jacobs
- Orange County School Board Member District 7 Melissa Byrd
- Anh Volmer
- Julie Sadlier
- Orange County School Board Member District 4 Pam Gould

The following material was presented to the CRC prior to the close of public comment: Exhibit 1, Laura Kelly.

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).

A motion was made by Member Auffant, seconded by Member Santiago, to approve and execute the minutes of August 7, 2019. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Suarez

Absent: 2 - Member Miller, and Member Wynn

IV. Chair Comments

Chair Evans opened discussion regarding the following topics:

- The cancellation of the September 7th, District 2 Public Hearing due to Hurricane Dorian. The meeting has been rescheduled for January 2020 and will be held at Wekiva High School.
- Due to the resignation of former CRC Vice Chair Carmen Torres, a new member will be appointed to the CRC by the Board of County Commissioners. Furthermore, the CRC will be tasked with electing a new Vice Chair.
- Chair Evans reminded the CRC of the upcoming schedule of CRC meetings and sunshine meetings and encouraged all members to attend. Additionally, she reiterated members of the CRC are subject to Sunshine Law and public records requirements.
- The evaluation process regarding submitting topics of consideration can be found on the CRC website. Chair Evans indicated that once a topic is placed on an upcoming agenda, the entire CRC votes on whether the full CRC or a committee will address the topic.
- A sunshine meeting will be scheduled to establish guidelines for the work of the committees when reporting their findings back to the CRC. Once guidelines are established, Chair Evans requested the committees submit their final recommendations and ballot language during the March, April and May 2020 CRC meetings. Discussion ensued.

V. Election of Vice Chair

- A. **CRC-20-056** Election of Vice Chair

Chair Evans announced the process for electing the Vice Chair of the CRC. CRC members offered the following nominations:

Chair Evans nominated Member Jack Douglas. Member Douglas declined the nomination.

Member Stoccardo nominated Member Samuel Vilchez Santiago. Member Santiago declined the nomination.

Member Santiago nominated Member Nikki Mimms. Member Mimms declined the nomination.

Member Suarez nominated Member James Auffant. Member Auffant accepted the nomination.

Member Steinhauer nominated Member Russell Drake. Member Drake declined the nomination.

Aye: Votes cast by voice vote for James Auffant as follows: Chair Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Suarez

Absent: - Member Miller, and Member Wynn

James Auffant received a majority and was elected as Vice Chair.

VI. Discussion Items

A. CRC-20-051 Proposed Charter Review Topic - School Concurrency

General Counsel Shepard presented the topic of School Concurrency and overcrowding of schools. Counsel Shepard indicated the charter amendment adopted in 2004 implements school concurrency requirements through Ordinances, Interlocal Agreements and School Capacity Enhancement Agreements of which developers are required to obtain from the School Board certifying school capacity. The request is to consider amending the Charter in order to prevent over capacitated schools in Orange County to persist for longer than a time certain without being relieved. Discussion ensued.

A motion to have School Concurrency established as an evaluation topic for the 2020 CRC died for lack of a second.

B. CRC-20-058 Proposed Charter Review Topic - Establishment of an Ethics Commission in Orange County

General Counsel Shepard presented the topic of Establishment of an Ethics Commission in Orange County. Counsel explained the topic arose from discussion at the Ethics Concerning Lobbyists committee meeting. Counsel suggested bringing forth the item to the CRC to determine whether to add this topic to the current committee or to establish a new committee regarding an Ethics Commission in Orange County.

Discussion ensued regarding the procedures of Robert's Rules of Order. General Counsel Shepard contributed to the discussion.

A motion was made by Member Klein, seconded by Member Suarez, to expand the work of the current Ethics Concerning Lobbyists committee to include the establishment of an Ethics Commission in Orange County. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member

Stoccardo, and Member Suarez

Absent: 2 - Member Miller, and Member Wynn

VII. Subcommittee Updates

A. CRC-20-057 Review of Subcommittee Processes (Chair Evans)

Chair Evans thanked CRC staff for their work in overseeing the notice of committee meetings as well as uploading the materials pertaining to those committee meetings onto the CRC website. Chair Evans reiterated a sunshine meeting will be scheduled to establish a workplan to allow for the committees to submit their final recommendations and ballot language during the March, April, and May 2020 CRC meetings. The June 2020 CRC Meeting will be held to consider the CRC Final Report.

B. CRC-20-053 Rights of the Wekiva River and Econlockhatchee River Committee Meetings Held on August 8, 21, and September 18, 2019

Chair Evans requested an update from Member Stoccardo on the Rights of the Wekiva River and Econlockhatchee River committee meetings. Discussion ensued. Member Stoccardo indicated the next committee meeting would be on October 3, 2019, at 4 p.m. CRC members and citizens were encouraged to attend.

C. CRC-20-054 Number and Composition of County Commission Districts Committee Meeting Held on August 14, 2019

Chair Evans appointed Member Jack Douglas as Chair of the Number and Composition of County Commission Districts committee as a replacement for former CRC Member Carmen Torres. Chair Evans requested Member Douglas work with staff in scheduling future committee meetings.

D. CRC-20-055 Ethics Concerning Lobbyists Committee Meetings Held on August 22, and September 18, 2019

Chair Evans requested an update from Member Steinhauer on the Ethics Concerning Lobbyists committee meeting. Discussion ensued. Member Steinhauer indicated the next committee meeting would be on October 10, 2019, at 9:15 a.m. CRC members and citizens were encouraged to attend.

Discussion ensued regarding Member Stoccardo's ethics proposal language.

A motion was made by Member Stoccardo, seconded by Member Smith, to appoint Member Stoccardo to the Ethics Concerning Lobbyists committee. The motion failed by the following vote:

Aye: 5 - Member Drake, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Nay: 7 - Member Evans, Member Auffant, Member Douglas, Member Fauth, Member Klein, Member Steinhauer, and Member Suarez

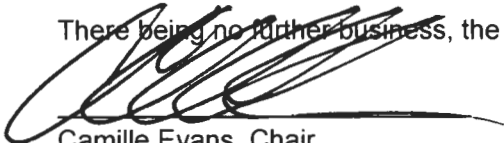
Absent: 2 - Member Miller, and Member Wynn

VIII. New Business

The next CRC meeting is scheduled for 6:00 p.m., on November 6, 2019, in District 4, at Meadow Woods Recreation Center.

IX Adjournment

There being no further business, the CRC adjourned at 7:29 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Draft Meeting Minutes

Wednesday, November 6, 2019

6:00 PM

District 4 - Meadow Woods Recreation Center

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–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: 13 - Member Camille Evans, Member James R. Auffant, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, 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: 2 - Member Jack Douglas, and Member Anthony (Tony) Suarez

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra

Pledge of Allegiance**I. Invited Guest**

- BCC District 4 Commissioner Maribel Gomez Cordero

Commissioner Gomez Cordero thanked the residents for attending and also to the members of the Charter Review Commission for their work and service.

II. Public Comment

The following persons addressed the CRC for public comment:

- Anh Volmer
- Megan Sorbo
- Nicole Wilson
- Pete Clarke
- Emmett O'Dell
- Chuck O'Neal
- Valerie Anderson
- Mikala Wells
- Cathie Rising-Clarke
- Gloria Pickar
- Carol Foglesong
- Suzanne Arnold
- Steve Meyers
- Sharon McBreen
- Ericka Gomez-Tejeda
- Gretchen Robinson
- Marjorie Holt

The following material was presented to the CRC prior to the close of public comment:

- Exhibit 1, from Mikala Wells
- Exhibit 2, from Gloria Pickar
- Exhibit 3, from Carol Foglesong

III. Consent Item

- A. CRC-20-059** Approval and execution of the minutes of the October 2, 2019 meeting of the CRC.

A motion was made by Vice Chair Auffant, seconded by Member Drake, to approve and execute the minutes of October 2, 2019. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

IV. Chair Comments

Chair Evans provided no comments.

V. Discussion Items

- A. CRC-20-060** Subcommittee Work

Chair Evans presented the Subcommittee Work Product Guidelines. A subcommittee was formed to organize the work of the subcommittees and final meetings of the CRC. Members of the subcommittee are Chair Evans, Vice Chair Auffant as well as the current subcommittee Chairs Douglas, Steinhauer and Stoccardo. The subcommittee met with Charter Staff and General Counsel Shepard to review the elements of the work product for each subcommittee to prepare the timing for subcommittee reports and the final CRC evaluation process.

A motion was made by Member Miller, seconded by Member Wynn, to approve the Subcommittee Work Product Guidelines, as amended below. The vote on the main motion was taken later in the discussion item.

Discussion ensued amongst CRC members to amend the Subcommittee Work Product Guidelines to establish a standard of time for citizens to speak during subcommittee meetings with additional time at the end of meetings. Further, members discussed providing citizens two opportunities to address the full CRC prior to the final vote of the full CRC.

A motion to amend the main motion was made by Member Santiago, seconded by Vice Chair Auffant, to add a standard provision in the Subcommittee Work Product Guidelines, to include three minutes for citizens to speak with an additional fifteen minutes set aside at the discretion of the Subcommittee Chair. The motion carried by the following vote:

Aye: 11 - Member Auffant, Member Drake, Member Evans, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Nay: 2 - Member Fauth, and Member Klein

Absent: 2 - Member Douglas, and Member Suarez

A motion to amend the main motion was made by Chair Evans, seconded by Member Wynn, to add a standard provision in the Subcommittee Work Product Guidelines to provide the work product of each subcommittee shall be presented twice to the full CRC before a final vote. The motion carried by the following vote:

Aye: 13 - Member Auffant, Member Drake, Member Evans, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

After the main motion was made, discussion ensued and two motions amended the main motion. The main motion and vote are noted below.

A motion was made by Member Miller, seconded by Member Wynn, to approve the Subcommittee Work Product Guidelines as amended. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

B. CRC-20-061 Proposed Charter Review Topic - Split Oak

General Counsel Shepard presented the topic of the Proposed Charter Review Topic - Split Oak. The request is to restrict the County from voluntarily allowing any development within the Split Oak Forest wildlife and environmental area. The forest is an eighteen hundred acre environmental preserve southeast of the airport. It rests on the Orange/Osceola County border and the Counties each own portions within their own jurisdiction. Split Oak's status as an environmental preserve was established by a pair of 1994 interagency agreements between Orange County, Osceola County, and two State of Florida agencies. The agreements provided the property may not be used for purposes other than conservation and passive recreation and called for the conveyance of conservation easements on the parcel. The agreements may not be amended without the approval of both counties and the Florida Communities Trust. The future of Split Oak Forest has come up for discussion due to the anticipated extension of the Osceola Parkway Expressway by the Central Florida Expressway Authority. Discussion ensued.

A motion was made by Vice Chair Auffant, seconded by Member Santiago, to have Split Oak

established as an evaluation topic for the 2020 CRC. The motion carried by the following vote:

Aye: 12 - Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Abstain: 1 - Member Evans

Absent: 2 - Member Douglas, and Member Suarez

A motion was made by Vice Chair Auffant, seconded by Member Santiago, to establish the Split Oak as a Subcommittee for the 2020 CRC. The motion carried by the following vote:

Aye: 12 - Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Abstain: 1 - Member Evans

Absent: 2 - Member Douglas, and Member Suarez

Vice Chair Auffant appointed the following CRC members to serve on the Split Oak Subcommittee:

Subcommittee Chair: Vice Chair Auffant

Subcommittee: Members Drake, Fauth, Mims, and Santiago

C. CRC-20-062 Proposed Charter Review Topic - Citizen-Initiated Charter and Ordinance Amendment Process

General Counsel Shepard presented the topic of the Proposed Charter Review Topic - Citizen-Initiated Charter and Ordinance Amendment Process. This topic was discussed previously at the last CRC cycle in 2016 and the amendment was passed by the voters. The objective of the proposal is to look at lowering the threshold of voter signatures required to place charter and ordinance amendments on the ballot. Discussion ensued.

A motion was made by Member Santiago, seconded by Member Stoccardo, to have Citizen-Initiated Charter and Ordinance Amendment Process established as an evaluation topic for the 2020 CRC. The motion carried by the following vote:

Aye: 8 - Member Auffant, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Nay: 5 - Member Evans, Member Klein, Member Miller, Member Steinhauer, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

A motion was made by Member Santiago, seconded by Vice Chair Auffant, to establish the Citizen-Initiated Charter and Ordinance Amendment Process as a Subcommittee for the 2020 CRC. The motion carried by the following vote:

Aye: 12 - Member Auffant, Member Drake, Member Evans, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stocco, and Member Wynn

Nay: 1 - Member Klein

Absent: 2 - Member Douglas, and Member Suarez

Chair Evans appointed the following CRC members to serve on the Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee:

Subcommittee Chair: Member Smith

Subcommittee: Members Douglas, Melvin, Miller, and Wynn

D. CRC-20-063 Proposed Charter Review Topic - Full-Time Board of County Commissioner Positions

General Counsel Shepard presented the topic of the Proposed Charter Review Topic - Full-Time Board of County Commissioner Positions. The topic of full time/part time County commissioners was discussed initially during the first Number and Composition of County Commission Districts Subcommittee meeting. General Counsel Shepard indicated to the subcommittee that this question might be outside the scope of the subcommittee. The subcommittee didn't want to discuss the topic further unless they had the authority to do so. General Counsel Shepard indicated to the full CRC that there is nothing that speaks directly to the issue, except language that states commissioners are to spend time as necessary to do their legislative duties. Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Klein, seconded by Member Fauth, to expand the scope of the Number and Composition of County Commission Districts Subcommittee to include a consideration of having full time Board of County Commissioner positions. The motion carried by the following vote:

Aye: 10 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Steinhauer, Member Stocco, and Member Wynn

Nay: 3 - Member Mims, Member Santiago, and Member Smith

Absent: 2 - Member Douglas, and Member Suarez

VI. Subcommittee Updates

A. CRC-20-064 Rights of the Wekiva River and Econlockhatchee River Committee Meetings Held on October 3 and 17, 2019. (Member Stocco)

Chair Evans requested an update from Member Stocco on the Rights of Wekiva River and

Econlockhatchee River subcommittee meetings. Member Stoccardo indicated the next subcommittee is scheduled for November 7, 2019, at 4 p.m.

Chair Evans expressed her concern that the definition of waters in the proposed language expands beyond the scope of the Rights of the Wekiva and Econlockhatchee Rivers Subcommittee and requested Member Stoccardo provide input about the scope. Member Stoccardo indicated that there was input from subcommittee members to expand the scope as it was necessary to include basins of the Wekiva and Econlockhatchee Rivers, which comprises a huge portion of Orange County. Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Vice Chair Auffant, seconded by Member Santiago, to expand the scope of the Rights of the Wekiva River and Econlockhatchee River Subcommittee to include all bodies of water in Orange County. The motion carried by the following vote:

Aye: 8 - Member Auffant, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Nay: 4 - Member Evans, Member Klein, Member Miller, and Member Steinhauer

Absent: 3 - Member Douglas, Member Suarez, and Member Wynn

B. CRC-20-065 Ethics Concerning Lobbyists Committee Meetings Held on October 10 and 28, 2019. (Member Steinhauer)

Chair Evans requested an update from Member Steinhauer on the Ethics Concerning Lobbyists subcommittee meetings. Member Steinhauer indicated that the County will address the subject matter at a future subcommittee meeting.

C. CRC-20-066 Number and Composition of County Commission Districts Committee Meeting Held on October 23, 2019. (Member Douglas)

Since Subcommittee Chair Douglas was not present, General Counsel Shepard presented an update on the Number and Composition of County Commission Districts subcommittee meeting. The next meeting is scheduled for November 11, 2019, at 4 p.m. County Mayor Jerry L. Demings will be in attendance at the meeting.

VII. New Business

Member Klein formerly commended Charter Staff for all of their hard work, on all levels, from the very beginning.

A motion was made by Member Klein, seconded by Vice Chair Auffant, to commend Charter Staff for all of their hard work. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

VIII. Adjournment

There being no further business, the CRC adjourned at 9:40 p.m.

Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Wednesday, December 4, 2019

6:00 PM

District 3 - Engelwood Neighborhood Center

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–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: 12 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Angela Melvin, Member Jeffrey A. Miller, Member Nikki Mims, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Eugene Stoccardo, and Member Anthony (Tony) Suarez

Absent: 3 - Member Matthew Klein, Member Lee Steinhauer, and Member Dotti Wynn

Others present:

CRC General Counsel Cliff Shepard

Deputy Clerk Katie Smith

Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**II. Public Comment**

The following person addressed the Board: Emmett O'Dell.

III. Consent Item

- A. CRC-20-067** Approval and execution of the minutes of the November 6, 2019 District 4 Public Hearing of the Charter Review Commission (CRC).

A motion was made by Member Fauth, seconded by Member Smith, to approve and execute the minutes of November 6, 2019. The motion carried by the following vote:

Aye: 11 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Absent: 4 - Member Klein, Member Steinhauer, Member Suarez, and Member Wynn

IV. Chair Comments

Chair Evans stated the importance of members attending the CRC and Committee Meetings regularly. Chair Evans indicated the responsibility of the CRC's input in representing the interests of all citizens in Orange County.

V. Subcommittee Updates

- A. CRC-20-068** Rights of the Wekiva River and Econlockhatchee River Committee Meetings Held on November 7 and 18, 2019 (Member Stoccardo)

Chair Evans requested an update from Member Stoccardo on the Rights of Wekiva River and Econlockhatchee River subcommittee meetings. Member Stoccardo indicated the subcommittee

is arranging to speak with Mayor Demings and legal counsel from the Environmental Protection Division. The next subcommittee is scheduled for December 16, 2019, at 4 p.m.

**B. CRC-20-069 Number and Composition of County Commission Districts Committee
Meeting Held on November 11, 2019 (Member Douglas)**

Chair Evans requested an update from Member Douglas on the Number and Composition of County Commission subcommittee meetings. Member Douglas indicated the Committee has received input from Mayor Demings and the majority of the Board of County Commissioners. The committee is working on drafting language for the final report and once completed the Committee will forward the finalized report to the full CRC.

**C. CRC-20-070 Citizen-Initiated Charter and Ordinance Amendment Process Committee
Meeting Held on November 20, 2019 (Member Smith)**

Chair Evans requested an update from Member Smith on the Citizen-Initiated Charter and Ordinance Amendment subcommittee meeting. Member Smith indicated the Committee had their first meeting and their next subcommittee is scheduled for December 10, 2019, at 4 p.m. Member Smith mentioned several speakers are scheduled to attend along with informational items provided by Supervisor of Election, Bill Cowles.

**D. CRC-20-071 Sunshine Meeting Between Chair, Vice Chair and Subcommittee Chairs
Held on November 25, 2019 (Chair Evans)**

Chair Evans, Vice Chair Auffant, and current subcommittee Chairs met to discuss the subcommittee work product guidelines approved at the November 6, 2019 CRC Meeting. Chair Evans indicated no changes were made to the established guidelines however, it was determined that a third CRC meeting be added in May. Chair Evans explained the additional meeting added would allow for consideration of reports in order for a final review at the June 3, 2020 CRC Meeting.

I. Invited Guest

BCC District 3 Commissioner Mayra Uribe

Commissioner Uribe addressed the CRC and thanked the members of the Charter for their work and service. Commissioner Uribe discussed her role as Commissioner, achievements within her district, as well as upcoming future events planned. Commissioner Uribe expressed her thoughts on the need for adding commission districts, whereas, she did not see the need for adding more districts nor Commissioners however she would recommend hiring additional staff.

E. CRC-20-072 Ethics Concerning Lobbyists Committee Meeting Held on December 2, 2019 (Member Steinhauer)

Chair Evans presented an updated on the Ethics Concerning Lobbyists Committee due to Subcommittee Chair Steinhauer not being in attendance. Chair Evans indicated the Committee voted on working on their final report with the idea of no action being taken by the Committee. However, the Committee will put off their final vote and approval of subcommittee report until after the January 9, 2020 CRC District Meeting.

F. **CRC-20-073** Split Oak Committee Organizational Meeting to be Held on December 6, 2019 (Vice Chair Auffant)

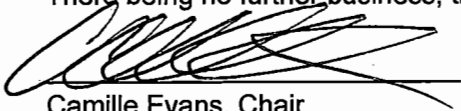
Chair Evans requested an update on the Split Oak Committee from Member Auffant. Member Auffant indicated the Split Oak Committee was scheduled to meet on December 6, 2019 at 4:00 p.m. He mentioned Former Orange County Commissioner Pete Clark would be in attendance and invited members of the CRC and public to join the meetings. Member Auffant mentioned the subcommittee would be working diligently and expects the subcommittee to have the Final Report ready by February 2020.

VI. New Business

Vice Chair Auffant thanked staff for their hard work.

VII. Adjournment

There being no further business, the CRC adjourned at 6:26 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Thursday, January 9, 2020

6:00 PM

District 2 - Wekiva High School

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–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: 14 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, 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:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Senior Minutes Coordinator Craig Stopyra

Pledge of Allegiance**I. Invited Guest**

- BCC District 2 Commissioner Christine Moore

Commissioner Moore addressed the CRC and thanked the members of the Charter for their work and service.

II. Public Comment

The following persons addressed the Board:

- Todd Catella
- Sally Baptiste
- Bobby Beagles
- Mary Nesler
- Valerie Anderson
- Jess Kovach
- Bob Sanders
- Peter Herrera
- Julia Hara
- Lisa Ray

The following material was presented to the CRC prior to the close of public comment: Exhibit 1, from Sally Baptiste.

The following materials were received by the Clerk prior to the close of public comment. The materials referenced by the speaker were not presented to the CRC:

- Submittal 1, from Todd Catella
- Submittal 2, from Bob Sanders

I. Invited Guest (Continued)

- City of Apopka Mayor Bryan Nelson

Mayor Nelson addressed the CRC and suggested that the CRC not preempt what a City would like to do and allow the City to establish policies first rather than at the County level. Mayor Nelson asked that the CRC not limit the Board of County Commissioners ability to appoint citizens, whether a lobbyist or not, to advisory boards. Mayor Nelson presented his thoughts regarding the citizen initiative petition process.

II. Public Comment (Continued)

The following persons addressed the Board:

- Chuck O'Neal
- Douglas Soto
- Marge Holt
- Nicole Wilson
- Anh Volmer
- Jim Erwin
- Kimberly Buchheit
- Lynette Scible
- Katrina Shadix

The following materials were received by the Clerk prior to the close of public comment. The materials referenced by the speaker were not presented to the CRC:

- Submittal 3, from Nicole Wilson
- Submittal 4, from Anh Volmer

III. Consent Item

- A. CRC-20-074** Approval and execution of the minutes of the December 4, 2019 District 3 Public Hearing of the Charter Review Commission (CRC).

A motion was made by Vice Chair Auffant, seconded by Member Santiago, to approve and execute the minutes of December 4, 2019. The motion carried by the following vote:

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

Absent: 1 - Member Suarez

IV. Chair Comments

Chair Evans intends to keep the CRC focused and reminded all that they are here on behalf of all of the residents of Orange County and not just those who share the same interests or ideas of the CRC. Chair Evans indicated that attendance of members at CRC regular business meetings and subcommittee is very important. Final reports from subcommittees will be forthcoming to the full CRC and it is critical for members to attend all CRC meetings.

V. Discussion Item

A. CRC-20-075 Proposed Charter Review Topic - Permanent Funding of Green PLACE (Continued from January 9, 2020)

General Counsel Shepard presented the topic of the Proposed Charter Review Topic - Permanent Funding of Green PLACE. The amendment was proposed by Member Stoccardo. The purpose is to provide permanent funding to purchase environmentally sensitive lands in Orange County. In terms of its history, General Counsel Shepard indicated that there has never been a similar proposal for Charter amendment previously. Since 1991, there has been a Public Services Tax and it is currently incorporated in Ordinance 98-33, and it reserves a minimum of \$7,500,000, which "must be expended yearly for parks, recreation and environmentally sensitive lands." General Counsel Shepard outlined perceived pros and cons of the proposal. One in favor of the proposal is that there would be a dedicated funding source to buy environmentally sensitive lands. Alternatively, as it is currently drafted, Member Stoccardo has provided a title, summary and actual amendment for purchases only so that it would eliminate long term leases and the possibility of conservation easements. General Counsel Shepard doesn't know if the proposed amendment is legal to have this kind of budgetary requirement and restriction in a Charter as opposed to allowing the Taxing/Budgeting Authority to meet with elected officials.

A motion was made by Member Stoccardo, seconded by Member Santiago, to have Permanent Funding of Green PLACE established as an evaluation topic for the 2020 CRC. No vote was taken.

Discussion ensued amongst CRC members regarding the proposed amendment, the Public Services Tax and its funding and whether the CRC should wait on establishing it as an evaluation topic for the 2020 CRC until General Counsel Shepard can further investigate the legality of the proposal. General Counsel Shepard contributed to the discussion.

Member Stoccardo was in favor of tabling the proposed topic to give General Counsel Shepard time to conduct legal research on the proposed amendment. Chair Evans indicated that the proposed CRC topic would be tabled and added to the February CRC agenda.

VI. Subcommittee Updates

A. CRC-20-076 Split Oak Committee Meetings Held on December 6 and 16, 2019 and January 6, 2020 (Vice Chair Auffant)

Chair Evans requested an update from Vice Chair Auffant on the Split Oak subcommittee meetings. Vice Chair Auffant thanked General Counsel Shepard for writing the proposal and also

Subcommittee Members Drake, Fauth, Mims and Santiago for all their hard work. The next subcommittee meeting is scheduled for January 22, 2020, and will be to finalize the final report. Vice Chair Auffant requested the final report of his subcommittee be placed on an agenda without any other reports scheduled. Deputy Clerk Smith indicated that the final report of the Split Oak Subcommittee is scheduled to come before the full CRC on the May 6, 2020 agenda.

Member Santiago asked for feedback on the citizen's request to enact a resolution pertaining to Split Oak. Chair Evans indicated that it would be the work product of the subcommittee and it would need to be brought back by the subcommittee to the full CRC for consideration.

B. CRC-20-077 Citizen-Initiated Charter and Ordinance Amendment Process Committee
Meetings Held on December 10, 2019 and January 8, 2020 (Member Smith)

Chair Evans requested an update from Member Smith on the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee meetings. Member Smith indicated that the subcommittee was tasked to review the citizen-initiated charter and ordinance amendment process and see if the petition threshold needs to be adjusted. The subcommittee unanimously agreed not to make any adjustments to the current petition threshold. The subcommittee received data from surrounding counties, input from public comment, and The League of Women Voters as well as historical documents and data provided by the Bill Cowles, Supervisor of Elections. Because of the data and information that the subcommittee received, Member Smith provided concerns of how difficult it can be for citizens to place an amendment on the ballot. Member Smith requested authority from the full CRC to expand the scope of their subcommittee to look at all aspects of the 180-day limitations as it affects the petitioner's ability to proceed in a timely basis with a citizen initiative. Chair Evans commented about the procedure established by the CRC of how to expand the scope of a subcommittee's topic. Discussion ensued regarding work product guidelines, timelines in presenting topics to the full CRC, and deadlines for upcoming CRC agendas. Deputy Clerk Smith contributed to the discussion.

C. CRC-20-078 Rights of the Wekiva River and Econlockhatchee River Committee Meetings
Held on December 16, 2019 and January 6, 2020 (Member Stoccardo)

Chair Evans requested an update from Member Stoccardo on the Rights of the Wekiva River and Econlockhatchee River subcommittee meetings. The next subcommittee is scheduled for January 22, 2020, at 4 p.m., in the Martha O. Haynie Conference Room. Final input will be presented by each member of the subcommittee during the meeting. General Counsel Shepard was directed to work on the ballot summary, title and final report, which will be presented to the full CRC in February.

D. CRC-20-079 Number and Composition of County Commission Districts Committee
Meeting Held on December 18, 2019 (Member Douglas)

Chair Evans requested an update from Member Douglas on the Number and Composition of County Commission Districts subcommittee meetings. Member Douglas stated that the subcommittee is prepared to submit a final report to be reviewed by the full CRC during the regular business meeting in February.

E. CRC-20-080 Approval and execution of the minutes of the January 9, 2020 District 2

Public Hearing of the Charter Review Commission (CRC).

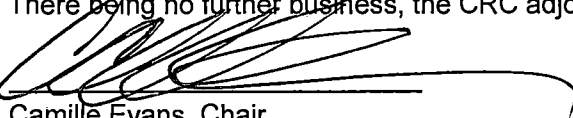
Chair Evans requested an update from Member Steinhauer on the upcoming Ethics Concerning Lobbyists subcommittee meeting. Member Steinhauer announced the next subcommittee meeting is scheduled for January 13, 2020, at 4 p.m. Following the meeting, the subcommittee will be prepared to submit their final report to the full CRC during the regular business meeting in February.

VII. New Business

There was no new business discussed.

VIII. Adjournment

There being no further business, the CRC adjourned at 7:57 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Wednesday, February 5, 2020

5:30 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–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: 13 - Member Camille Evans, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Angela Melvin, Member Jeffrey A. Miller, Member Nikki Mims, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, Member Anthony (Tony) Suarez, and Member Dotti Wynn

Absent: 2 - Member James R. Auffant, and Member Matthew Klein

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Craig Stopyra
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Public Comment**

The following persons addressed the CRC during public comment:

- Chuck O'Neal
- Steve Meyers
- Valerie Anderson
- Marcos Vilar
- Nicole Wilson
- Sally Baptiste
- Anh Volmer
- Marj Holt

II. Consent Item

- A. CRC-20-080** Approval and execution of the minutes of the January 9, 2020 District 2 Public Hearing of the Charter Review Commission (CRC).

A motion was made by Member Wynn, seconded by Member Steinhauer, to approve and execute the minutes of January 9, 2020. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, Member Suarez, and Member Wynn

Absent: 2 - Member Auffant, and Member Klein

III. Chair Comments

CRC-20-082 Chair Comments

Chair Evans addressed the CRC regarding the following:

- Commended the CRC for their service and attendance at the subcommittee and full CRC meetings.
- Highlighted the evaluation process and subcommittee work product guidelines, which can be found on the Charter's website and serve as a guide for the work of the CRC in the course of moving forward with proposed amendments.
- Highlighted an item on the agenda requesting the approval from the CRC to allow for the Comptroller's Office to provide a financial impact analysis for any subcommittee recommendation proposing an amendment.
- Based upon the evaluation process, today was the deadline for any new topics of consideration to be placed on the agenda.
- First Readings of Subcommittee Recommendations for Wekiva River and Econlockhatchee River Subcommittee, Ethics Concerning Lobbyists, and Number and Composition of County Commission Districts.
- The next CRC meeting scheduled is for March 4, 2020. Chair Evans requested the second CRC meeting in March be rescheduled to March 16, 2020. Both meetings will begin at 5:30 p.m., in the County Commission Chambers.

IV. Discussion Items

A. CRC-20-086 Financial Impact Analysis/Statement - Proposed Charter Amendments

Chair Evans discussed her memo to the CRC along with a memorandum provided by Chief Deputy Comptroller, Eric Gassman, which outlined the Comptroller's Office process for the CRC subcommittees requesting the financial impact analysis of their respective potential Charter amendments.

A motion was made by Member Steinhauer, seconded by Member Wynn, to approve the request to have the Comptroller be the designated entity to provide the financial impact analysis. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, Member Suarez, and Member Wynn

Absent: 2 - Member Auffant, and Member Klein

B. CRC-20-075 Proposed Charter Review Topic - Permanent Funding of Green PLACE (Continued from January 9, 2020)

General Counsel Shepard presented the Proposed Charter Review Topic-Permanent Funding of Green PLACE. Member Stoccardo proposed the amendment. The topic involves the idea that seven and a half million dollars be spent on the acquisition of environmentally sensitive lands. The

topic was first discussed at the CRC meeting on January 9, 2020, in which questions arose and the Commission tabled discussion. Additionally, the CRC instructed General Counsel to conduct research on the legality of the proposed amendment. General Counsel Shepard mentioned his full analysis of the topic has been submitted and that memo can be found in the agenda packet. General Counsel Shepard indicated the opinions of numerous Attorney Generals and the findings/rulings of similar amendments have been found to be in violation of the Constitution. Furthermore, General Counsel Shepard mentioned the Case of Hillsborough County versus the State of Florida Case # 19-CA-13-82 in which a state trial court determined that a similar Charter amendment was ruled unconstitutional. The case is under direct appeal of the Florida Supreme Court with a ruling to be determined. Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Stoccardo, seconded by Member Santiago, to establish Permanent Funding of Green PLACE as an evaluation topic for the 2020 CRC. The motion carried by the following vote:

Aye: 7 - Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Nay: 6 - Member Evans, Member Douglas, Member Miller, Member Steinhauer, Member Suarez, and Member Wynn

Absent: 2 - Member Auffant, and Member Klein

A motion was made by Member Santiago, seconded by Member Stoccardo, to establish the Permanent Funding of Green PLACE as a subcommittee for the 2020 CRC. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, Member Suarez, and Member Wynn

Absent: 2 - Member Auffant, and Member Klein

Chair Evans appointed the following CRC Members to serve on the Permanent Funding of Green PLACE subcommittee:

Subcommittee Chair: Chair Evans

Subcommittee: Member Melvin, Member Smith, Member Steinhauer, and Member Stoccardo

C. CRC-20-084 Proposed Charter Review Topic - 180-Day Timeline Limitation Related to the Citizen-Initiated Charter and Ordinance Amendment Process

Chair Evans requested an update from Member Smith on the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee meeting. Member Smith indicated a memorandum providing the details and background of the topic has been included in the agenda

packet. The subcommittee requests authority from the CRC to extend their topic review in order to look at all aspects of the 180 day timeline limitation as it affects the petitioners ability to proceed in a timely basis with a citizen initiated petition. Discussion ensued.

A motion was made by Member Smith, seconded by Member Drake, to approve the Citizen-Initiated Charter and Ordinance Amendment Process with moving forward and extending their topic review during the next subcommittee meeting for further review of the 180 day timeline limitation that currently exists. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, Member Suarez, and Member Wynn

Absent: 2 - Member Auffant, and Member Klein

V. Subcommittee Recommendations - First Reading (Second Reading on March 4, 2020)

- A. CRC-20-087** Consideration of the Ethics Concerning Lobbyists Committee's recommendation to make no changes to the Orange County Charter with respect to the Ethics Concerning Lobbyists evaluation topic; and further, to make no changes to the Orange County Charter with respect to the creation of an Ethics Commission separate from the Ethics Advisory Board that currently is provided for under the Orange County Ethics Code.

Chair Evans requested Member Steinhauer present the First Reading of Ethics Concerning Lobbyists and the creation of an Ethics Commission separate from the Ethics Advisory Board that currently is provided for under the Orange County Ethics Code. Member Steinhauer indicated the subcommittee was tasked with evaluating a Charter amendment restricting lobbyists from serving on advisory boards and commissions in Orange County. Furthermore, the consideration was expanded to include consideration on whether a separate Ethics Commission should be established. The subcommittee held numerous public hearings to allow for public input regarding this topic. The subcommittee reviewed the public records documenting registered lobbyists and the information reviewed by subcommittee reflects that no ethics complaints had been filed in the past several years, only a minimal number of registered lobbyists served on advisory boards and commissions, and there was no indication of any potential conflicts of interests. The subcommittee also examined the current Orange County Ethics Code and a code provision for the establishment of an Ethics Advisory Board by Resolution. The subcommittee also examined the current restrictions concerning lobbyists, the state ethics regulations/restrictions on lobbyists, and the ethics codes of other jurisdictions. Based upon their review, the subcommittee recommends that no amendments to the Orange County Charter be made with respect to the Ethics Concerning Lobbyists Topic or Ethics Commission. Discussion ensued. General Counsel Shepard contributed to discussion.

A motion was made by Member Evans, seconded by Member Miller, to approve the first reading on the recommendation of the Ethics Concerning Lobbyists subcommittee. The motion carried by the following vote:

Aye: 8 - Member Evans, Member Douglas, Member Drake, Member Melvin, Member Miller, Member Mims, Member Steinhauer, and Member Wynn

Nay: 4 - Member Fauth, Member Santiago, Member Smith, and Member Stoccardo

Absent: 3 - Member Auffant, Member Klein, and Member Suarez

- B. CRC-20-088** Consideration of the Number and Composition of County Commission Districts Committee's recommendation to make no changes to the Orange County Charter with respect to the number and composition of Orange County Districts; and further, to make no changes to the Orange County Charter with respect to whether the Board of County Commissioners are full or part-time officers.

Chair Evans requested General Counsel Shepard present the First Reading of the Number and Composition of County Commission Districts subcommittee's recommendation. General Counsel Shepard indicated the subcommittee was established to determine whether the county commissioner membership should be expanded to include additional districts or allow at large members to-be added to the current commission. Members of the public expressed concern regarding the ability of Commissioners to perform their duties due to the County's growth. The subcommittee considered proposals relating to expanding the membership of the Orange County Commission and considered the need for full time or part time positions for the County Commission. Additionally, the subcommittee reviewed the work of the similarly tasked committee of the 2016 CRC, historical population information, and the anticipated costs of implementing proposals for expansion of the districts. The subcommittee reached out to County Commissioners and aides and the evidence reviewed by the subcommittee indicated there is no immediate need for additional districts or to designate the Commissioners as full or part time County officers. The subcommittee recommends that no amendments to the County Charter be made. Discussion ensued. General Counsel Shepard contributed to discussion.

A motion was made by Member Evans, seconded by Member Wynn, to approve the first reading on the recommendation of the Number and Composition of County Commission Districts subcommittee. The motion carried by the following vote:

Aye: 12 - Member Evans, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 3 - Member Auffant, Member Klein, and Member Suarez

- C. CRC-20-089** Consideration of the Rights of the Wekiva River and Econlockhatchee River Committee's recommendation to amend the Orange County Charter with respect to prohibiting pollution of the Wekiva River, Econlockhatchee River and all other waters of Orange County.

Chair Evans requested Member Mims present the First Reading of the Rights of the Wekiva River and Econlockhatchee River Subcommittee Final Report. Member Mims explained the history surrounding the evaluation topics examined by the subcommittee that encompassed establishing the Rights of Wekiva River and Econlockhatchee River and all bodies of water within Orange County. Over the course of multiple meetings the subcommittee considered and analyzed several drafts of the proposed amendments and considered the reasons for and against recommendation. After consideration of information presented, the subcommittee voted to

recommend to the full CRC the amendment to the Orange County Charter, including Ballot title and summary, with respect to the Rights of the Wekiva River and Econlockhatchee River. Discussion ensued. General Counsel Shepard contributed to discussion.

A motion was made by Member Mims, seconded by Member Santiago, to approve the first reading on the recommendation of the Wekiva River and Econlockhatchee River subcommittee to amend the Orange County Charter with respect to prohibiting pollution of the Wekiva River and Econlockhatchee River and all waters of Orange County. The motion carried by the following vote:

Aye: 7 - Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Nay: 5 - Member Evans, Member Douglas, Member Miller, Member Steinhauer, and Member Wynn

Absent: 3 - Member Auffant, Member Klein, and Member Suarez

VI. Subcommittee/Sunshine Meeting Updates

A. CRC-20-091 Split Oak Committee Meeting Held on January 22, 2020

Member Mims presented the subcommittee report in the absence of Vice Chair Auffant. On January 22, 2020, the subcommittee held its last meeting to review the final version of the subcommittee final report, ballot title, summary and proposed textural changes to the Charter. The subcommittee considered arguments for and against the proposed Charter amendment. It was the consensus of the subcommittee to present the Charter amendment to the full CRC. During the meeting, Member Santiago proposed a resolution declaring opposition to any action of the Orange County Board of County Commissioners regarding Central Florida Expressway Authority routing the eastern expressway extension through Split Oak Forest wildlife and environmental areas prior to the outcome of the 2020 General Election.

Member Mims requested direction from Chair Evans on bringing forth the proposed resolution to the full CRC. Chair Evans indicated any actions proposed by the subcommittee be brought forward when the subcommittee submits their final report requesting proposed action from the full CRC. Discussion ensued.

A motion was made by Member Mims, seconded by Member Smith, to revise the Subcommittee Report Work Product Guidelines adopted on November 6, 2019, to allow the Split Oak Subcommittee to present its First Reading to the public and the full CRC on April 1, 2020; and further, to present its Second and Final Reading to the public and the full CRC during the regular business hours scheduled on May 6, 2020, with the justification to allow the Comptroller's Office sufficient time to prepare financial impact analysis in light of legal challenges to the uncertain results. The motion carried by the following vote:

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

Absent: 3 - Member Auffant, Member Klein, and Member Suarez

Recuse 1 - Member Miller

d:

- B. CRC-20-085** Sunshine Meeting Held on January 23, 2020 Between Members Fauth and Vilchez Santiago Regarding the Release of Subcommittee Reports to the Full CRC

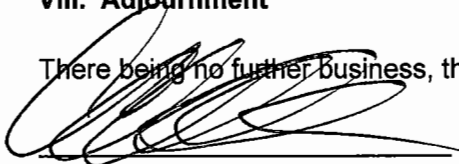
Member Santiago indicated he and Member Fauth met at a Sunshine Meeting on January 23, 2020, to discuss the CRC's work product guidelines and to consider the topics reviewed at the various different subcommittee meetings.

VII. New Business

Member Mims requested General Counsel or CRC staff prepare materials regarding the governing bylaws of the Charter for the consideration of the full CRC.

VIII. Adjournment

There being no further business, the CRC adjourned at 10:11 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Final Meeting Minutes

Wednesday, March 4, 2020

5:30 PM

County Commission Chambers

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order

The meeting was called to order at 5:35 p.m.

Present: 14 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, 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:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Noelia Perez
Senior Minutes Coordinator Craig Stopyra

Pledge of Allegiance**I. Public Comment**

The following persons addressed the CRC for public comment:

- Sally Baptiste
- Chuck O'Neal
- Doris O'Neal
- Steve Meyers
- Nick Asma
- Anh Volmer
- Jim Durocher
- Mark Glaser
- Val Mobley
- Nicole Wilson
- Jess Kovach

The following materials were presented to the CRC prior to the close of public comment:

- Exhibit 1, from Sally Baptiste
- Exhibit 2, from Jim Durocher

II. Consent Item

- A. CRC-20-092** Approval and execution of the minutes of the February 5, 2020 meeting of the Charter Review Commission (CRC).

A motion was made by Member Wynn, seconded by Member Drake, to approve and execute the

minutes of February 5, 2020. The motion carried by the following vote:

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

Absent: 1 - Member Suarez

III. Chair Comments

Chair Evans addressed the CRC regarding the following:

- Second Readings of Subcommittee Recommendations for Ethics Concerning Lobbyists, Number and Composition of County Commission Districts and Wekiva River and Econlockhatchee River. First Readings of the subcommittee recommendations were heard during the February 5, 2020 CRC meeting.
- Subcommittee Updates will be taken up at the conclusion of the three subcommittee recommendations.
- The next CRC regular business meeting is scheduled for March 16, 2020. Currently, there are no items on the agenda, but a decision on whether to keep this meeting scheduled will be determined at the end of the meeting today.

IV. Subcommittee Recommendations - Second Reading and Vote

- A. CRC-20-093** Consideration of the Ethics Concerning Lobbyists Committee's recommendation to make no changes to the Orange County Charter with respect to the Ethics Concerning Lobbyists evaluation topic; and further, to make no changes to the Orange County Charter with respect to the creation of an Ethics Commission separate from the Ethics Advisory Board that currently is provided for under the Orange County Ethics Code.

The second reading topic regarding Consideration of the Ethics Concerning Lobbyists Committee was read into the record by the Clerk. Chair Evans requested Member Steinhauer provide comments regarding the second reading. Member Steinhauer thanked the members of the subcommittee for all of their hard work and due diligence. Their subcommittee evaluated many issues with the subject and expanded to include looking into an Ethics Commission. Member Steinhauer thanked CRC Staff for providing resources and County Staff for their participation in subcommittee meetings. The subcommittee concluded that the system and safeguards currently in place right now are working and are more than adequate to the task of ensuring that Orange County has an ethical government. Member Steinhauer requested support from the full CRC on passage of the recommendation. Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Steinhauer, seconded by Member Miller, to approve the Ethics Concerning Lobbyists Committee's recommendation to make no changes to the Orange County Charter with respect to the Ethics Concerning Lobbyists evaluation topic; and further, to make no

changes to the Orange County Charter with respect to the creation of an Ethics Commission separate from the Ethics Advisory Board that currently is provided for under the Orange County Ethics Code. The motion carried by the following vote:

Aye: 9 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Klein, Member Melvin, Member Miller, Member Steinhauer, and Member Wynn

Nay: 5 - Member Fauth, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Absent: 1 - Member Suarez

B. CRC-20-094 Consideration of the Number and Composition of County Commission Districts Committee's recommendation to make no changes to the Orange County Charter with respect to the number and composition of Orange County Districts; and further, to make no changes to the Orange County Charter with respect to whether the Board of County Commissioners are full or part-time officers.

The second reading topic regarding Consideration of the Number and Composition of County Commission Districts Committee was read into the record by the Clerk. Chair Evans requested Member Douglas provide comments regarding the second reading. Member Douglas thanked subcommittee members Drake, Klein, Suarez and Wynn for all of their hard work on the project. The subcommittee had numerous meetings and heard from members of the public, elected officials, and County Staff. The subcommittee reviewed the following during their meetings:

- Historical data and records from previous CRC committees pertaining to this issue.
- Cost to implement and the increase of County commissioners and commission staff relating to salaries and operational cost.
- Cost of renovation and impact on space within the County Administration building.
- Population in relation to the number of citizens per district and the impact on the County commissioners.

Based upon their review, the subcommittee unanimously approved to not increase the number of County commission districts or to change the definition of the County Commissioners part-time or full-time status. Discussion ensued. Member Fauth submitted a document to the full CRC for the record.

A motion was made by Member Douglas, seconded by Member Wynn, to approve the Number and Composition of County Commission Districts Committee's recommendation to make no amendments to the Orange County Charter with respect to the number and composition of Orange County Commission Districts; and further, to make no changes to the Board of County Commissioners full or part-time status. The motion carried by the following vote:

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

Absent: 1 - Member Suarez

- C. **CRC-20-095** Consideration of the Rights of the Wekiva River and Econlockhatchee River Committee's recommendation to amend the Orange County Charter with respect to prohibiting pollution of the Wekiva River, Econlockhatchee River and all other waters of Orange County.

The second reading topic regarding Consideration of the Rights of the Wekiva River and Econlockhatchee River Districts Committee was read into the record by the Clerk. Chair Evans indicated that Member Mims would speak on behalf of the subcommittee. Member Mims thanked CRC Staff, the public for their input and subcommittee members for their hard work. Member Mims provided a background of the proposed amendment. The subcommittee held twelve (12) public meetings to hear public input and consider proposals regarding the rights of nature for both the Wekiva and Econlockhatchee Rivers and that any of the violations of pollution would be actionable by Orange County citizens and by Orange County itself. Over the course of multiple subcommittee meetings, members considered and analyzed several drafts and proposed amendments to the draft. In December of 2019, the subcommittee directed General Counsel Shepard to draft the amendment in an attempt to address some of the legal issues presented by the current draft. The subcommittee voted unanimously to recommend to the full CRC that General Counsel Shepard's version of the draft amendment to the Orange County Charter be submitted to the voters. The draft amendment attempts to further protect the waters of Orange County from pollution by prohibiting certain conduct by governmental agencies, non-natural persons or corporate entities and by providing a private right of action of every citizen of the County and to enforce those provisions set forth in the amendment. The subcommittee additionally decided to approve the final draft which adopts certain state laws and definitions such as critical terms of pollution and other vital terms. Member Mims identified the reasons for the recommendation of the proposed amendment. After careful consideration of the information presented, the subcommittee recommends the ballot, title, summary and charter amendment to the full CRC for its consideration. Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Drake, seconded by Member Santiago, to approve the Rights of the Wekiva River and Econlockhatchee River Committee's recommendation to amend the Orange County Charter with respect to prohibiting pollution of the Wekiva River, Econlockhatchee River, and all other waters of Orange County. The motion carried by the following vote:

Aye: 9 - Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, and Member Stoccardo

Nay: 5 - Member Evans, Member Klein, Member Miller, Member Steinhauer, and Member Wynn

Absent: 1 - Member Suarez

V. Subcommittee Updates

- A. **CRC-20-096** Split Oak Subcommittee Meeting Held on February 12, 2020 (Vice Chair Auffant)

Vice Chair Auffant presented a subcommittee update on Split Oak. Vice Chair Auffant indicated that the Split Oak subcommittee is ready to present the first reading of the final report to the full CRC at the regular business meeting scheduled for April 1, 2020. The second reading of the final

report for the Split Oak subcommittee is scheduled for May 6, 2020.

B. CRC-20-097 Permanent Funding of Green PLACE Subcommittee Meeting Held on February 17, 2020 (Chair Evans)

Chair Evans presented a subcommittee update on Permanent Funding of Green PLACE. Chair Evans indicated that the subcommittee's first meeting was held on February 17, 2020. She stated that nothing has come up to indicate that there is an ability to mandate or direct the Board of County Commissioners on how to allocate funding in the future. The subcommittee has requested additional information from County Staff to better understand how lands are identified, the process for applying funds to them, and the history of environmentally sensitive land acquisitions. The next subcommittee meeting is tentatively scheduled for Thursday, March 12, 2020, at 4 p.m.

C. CRC-20-098 Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee Meeting Held on February 19, 2020 (Member Smith)

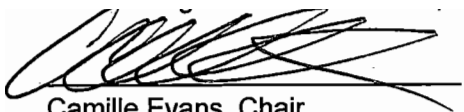
Member Smith presented a subcommittee update on Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith indicated that the subcommittee met on February 19, 2020. She thanked the citizens for their input, and thanked County commissioners and officials for their support moving forward. CRC members and citizens are encouraged to review summaries available on the Comptroller's website. The next subcommittee meeting is scheduled for March 11, 2020, at 4 p.m.

VI. New Business

There was no new business discussed.

VII. Adjournment

There being no further business, the CRC adjourned at 7:46 p.m.



Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Draft Meeting Minutes

Wednesday, May 6, 2020

5:30 PM

Communications Media Technology

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order

The meeting was called to order at 5:37 p.m.

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

Absent: 1 - Member Jack Douglas

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Jennifer Lara-Klimetz

I. Pledge of Allegiance**II. Public Comment**

The following persons addressed the CRC for public comment:

- Sharon McBreen
- Lynette Scible
- Jessica Sullivan
- Kimberly Buchheit
- Emily Lapham
- Valerie Anderson
- Kimberly Heise
- Anh Volmer
- Jerome J Madigan

The following persons submitted written comments to the Board during public comment:

- Cynthia Baker
- Bill Beard
- Alison Beard
- Tim Janney
- Harry Hecht
- Junior McGovern
- Gloria Tyrie
- Marilyn Diaz
- Patrick Fore
- Caroline Foust
- Becky Wells

-Blue Kaufman
-Cam Abascal
-Linda Hennig
-Stacy Ford
-Belmont Murray
-Bob Turner
-Val Mobley
-Terise Robers
-Eric Gardze
-Elizabeth Tuura
-Vicki Tindall
-Shannon Normand
-Michael Johnson
-Vince
-Mary A. Nesler
-Angelene Bray
-Trina Ryan
-Rebecca Eagan
-Forest Grey Michael
-Barbara Cady
-Rachel E. Deming
-Reid Gill
-Drew Gil
-Eric Rollings
-Kathleen Fitzgerald
-Nicole Wilson

III. Chair Comments

Chair Evans addressed the CRC regarding the following:

- The next CRC regular business meeting is scheduled for May 14, 2020.
- The Final Report Work Session will be conducted during the May 29, 2020, meeting.
- The Final Report will be approved at the last CRC meeting on June 3, 2020.
- Thanked CRC staff for the work being done to ensure the work of the 2020 CRC continues to be successful and impactful during these challenging times.
- Second Reading of Subcommittee Recommendations for Split Oak.
- First Readings of Subcommittee Recommendations for Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding of Green PLACE.
- The CRC By-Laws Workgroup is currently examining the possibility of coming up with informed

by laws for inclusion in the Final Report.

IV. Subcommittee Recommendation – Second Reading and Vote

- A. CRC-20-105** Consideration of the Split Oak Subcommittee's Recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants.

Chair Evans requested Member Mims present the Second Reading of the Split Oak subcommittee's recommendation. Member Mims presented the procedural background and summary of the recommendation for Split Oak. Member Mims stated that the committee heard from many members of the public in support of providing additional protections for Split Oak and further, restrict the commissions ability to permit future commercial or residential development within the Split Oak Forest. The subcommittee reviewed and revised three proposed Ballot Titles, Summaries, and Draft Charter Amendments prepared by General Counsel Shepard, at the subcommittee's direction, and studied potential benefits and risks associated with the Charter Amendment. Member Mims provided the CRC with reasons for recommendation and arguments against the Split Oak Charter Amendment. After careful consideration, the subcommittee voted 5-0 recommending to the full CRC that the Ballot Title, Summary and proposed Charter Amendment be placed on the ballot for the 2020 election. Discussion ensued.

A motion was made by Member Santiago, seconded by Member Mims, to approve the Split Oak Subcommittee's recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants. The motion carried by the following vote:

Aye: 10 - Member Auffant, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Suarez

Nay: 3 - Member Evans, Member Klein, and Member Wynn

Absent: 1 - Member Douglas

Recused: 1 - Member Miller

V. Subcommittee Recommendations – First Readings (Second Readings May 14, 2020)

- A. CRC-20-106** Consideration of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification.

Chair Evans requested Member Smith present the First Reading of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee recommendation. Member Smith noted the subcommittee was tasked with reviewing the following considerations:

- lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and
- lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal.

Member Smith thanked General Counsel, members of the public and subcommittee members for their time, dedication, and flexibility to the work of the subcommittee. Member Smith noted Commissioner Emily Bonilla, Supervisor of Elections Bill Cowles and the League of Women Voters provided the subcommittee with historical information and insight to the Citizen-Initiated Charter and Ordinance Amendment. The subcommittee reviewed the need of the proposal and the current process that exists for citizens to be able to execute a charter amendment, enactment or repeal. The subcommittee also reviewed data, historical documents, and proposal summaries from different resources regarding lowering the petition threshold. Member Smith stated that in January the subcommittee requested authority from the full CRC to review all aspects of the current 180-day timeline limitation as it effects the petitioners ability to proceed in a timely manner with the citizen-initiated petition.

Member Smith noted the percentage threshold in gathering signatures was a daunting task. Furthermore, the review of proposals by government offices would cause further delay during which signatures could not be gathered. Therefore, the subcommittee focused on parts of the petition gathering process that would inhibit any citizen from the execution of a charter or ordinance amendment petition. Member Smith stated that the subcommittee worked to provide language for the suspension of the one hundred and eighty (180) day timeline until the offices of the Supervisor of Elections and the Comptroller are able to complete their reviews thus allowing for a full uninterrupted one hundred and eighty (180) day process for gathering petitions.

Member Smith stated that the subcommittee voted to recommend the Draft Amendment including Ballot title, and summary, with respect to the Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith read the Ballot title and summary into the record.

Chair Evans questioned whether the subcommittee members had taken a vote on the final report. Discussion ensued. General Counsel Shepard contributed to the discussion.

Member Smith, Member Miller, Member Melvin, and Member Wynn agreed to the subcommittee final report. Member Douglas was absent.

Member Stoccardo recommended the subcommittee amend Section 601 of the Charter to reflect what is required by the State's Constitution.

Member Fauth brought forth for discussion the following sentence in the proposed language:

If sufficient signatures are obtained submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

Member Fauth questioned the word layout of 'obtained submitted.' Discussion ensued. General Counsel contributed to the discussion. Member Fauth moved to amend the motion to address the inconsistency between the words 'obtained' and 'submitted.' General Counsel Shepard stated if the amendment is approved along with the motion counsel will make the appropriate change to the language to capture the actual meaning. Discussion ensued.

Deputy Clerk Smith stated the 2016 Final Report of the Charter Review Commission struck thru the word 'obtained' and only 'submitted' was included in the Final Report. Discussion ensued. General Counsel Shepard stated he would review the 2016 ballot language and the legislative history to determine whether an amendment would be necessary for consideration during the second reading of the recommendation. Member Stoccardo seconded Member Fauth's amendment to the motion. Discussion ensued. General Counsel Shepard contributed to the discussion regarding the intent of the amendment to the motion. After further discussion the motion was agreed upon by Member Fauth and Member Stoccardo.

A motion was made by Member Smith, seconded by Member Miller, to approve the first reading on the recommendation of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee, further, approve the subcommittee final report subject to changes, if any, mandated by comparing the 2016 ballot language to Municode, and further, propose a correction consistent with the legislative history of 2016. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

B. CRC-20-107 Consideration of the Permanent Funding of Green PLACE recommendation to make no changes to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's final report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE.

Chair Evans requested General Counsel Shepard present the First Reading of the Permanent Funding of Green PLACE subcommittee's recommendation. General Counsel Shepard stated Member Stoccardo proposed the Charter Amendment to establish permanent funding for the purchase of environmentally sensitive lands. General Counsel Shepard submitted a memo to the CRC regarding whether such action is permissible under state law. The subcommittee reviewed alternative options to encourage Orange County to use funds from any source to purchase environmentally sensitive lands for Green PLACE. The subcommittee considered information as well as arguments for and against the topic. General Counsel Shepard stated the subcommittee recommends no amendment to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, include a recommendation in the CRC Final Report that the BCC utilize current mechanisms in funding structures to acquire environmentally sensitive lands and reestablish the counties ad hoc committee for Green PLACE. Chair Evans contributed to the presentation of the recommendation. Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Miller, to approve the first reading on the recommendation of the Permanent Funding of Green PLACE subcommittee. The motion carried by the following vote:

Aye: 10 - Member Evans, Member Auffant, Member Drake, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Nay: 3 - Member Fauth, Member Klein, and Member Stoccardo

Absent: 2 - Member Douglas, and Member Suarez

VI. Workgroup Update

A. CRC-20-108 CRC By Laws Workgroup Meetings Held on April 27, 2020 and May 4, 2020

Chair Evans provided an update on the CRC By-Laws Workgroup. Chair Evans stated the workgroup evaluated the possibility of creating by-laws for the CRC. During the first workgroup meeting, General Counsel Shepard and CRC staff presented a history of prior CRC procedures. Furthermore, General Counsel Shepard provided his interpretation of the enforceability of any by-laws on future CRC Boards. Chair Evan's stated the by-law recommendation of the subcommittee would not be binding on future CRC Boards. The subcommittee agreed to proceed with evaluating sample by-laws from other jurisdictions and the concerns expressed by current CRC members. The subcommittee requested CRC members submit recommendations to be placed into the by-laws for inclusion in the Final Report. Chair Evans noted General Counsel Shepard compiled all the submissions into a working draft for the subcommittee to review. During the May 4th subcommittee meeting, members reviewed the working draft and provided edits to General Counsel for inclusion in the upcoming draft. The next subcommittee meeting is scheduled for May 11, 2020. Discussion ensued.

VII. New Business

Chair Evans announced the Second Readings of Subcommittee Recommendations for Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding of Green PLACE. These readings will take place during the next CRC Regular Business meeting on May 14, 2020, at 5:30 p.m.

The CRC will conduct a Final Report Work Session during the May 29, 2020, Regular Business meeting.

The Final Report will be approved during the June 3, 2020, meeting.

There being no further business, the CRC adjourned at 8:28 p.m.

Camille Evans, Chair
2020 Charter Review Commission

Orange County Government

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



Draft Meeting Minutes

Thursday, May 14, 2020

5:30 PM

Communications Media Technology

2020 Charter Review Commission

CRC Members:

Camille Evans, Chair

James R. Auffant, Vice Chair

Jack Douglas–Russell Drake–John E. Fauth–Matthew Klein–

Jeffrey A. Miller–Nikki Mims–Angela Melvin–Samuel Vilchez Santiago–Soraya Smith–

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

Call to Order

The meeting was called to order at 5:33 p.m.

Present: 13 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, Member Jeffrey A. Miller, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, and Member Dotti Wynn

Absent: 2 - Member Nikki Mims, and Member Anthony (Tony) Suarez

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Jennifer Lara-Klimetz

I. Pledge of Allegiance**II. Public Comment**

The following person addressed the CRC for public comment: Anh Volmer.

III. Consent Item

A. CRC-20-109 Approval and execution of the minutes of the April 20, 2020 meeting of the Charter Review Commission (CRC).

Member Smith questioned whether the May 6th minutes were ready for review. Chair Evans stated that due to the condensed meeting schedule, the May 6th meeting minutes would be available for review and approval at the May 29th meeting.

A motion was made by Member Drake, seconded by Member Stoccardo, to approve and execute the minutes of April 20, 2020. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Mims, and Member Suarez

IV. Chair Comments

Chair Evans addressed the CRC regarding the following:

- The focus of the May 29, 2020 meeting will be the draft Final Report. Prior to the meeting, CRC members are to submit comments regarding the draft Final Report to CRC staff for distribution to CRC members and followers.

- The Final Report will be approved at the last CRC meeting on June 3, 2020.
- Thanked CRC staff for the work being done to facilitate the work of the 2020 CRC in this new environment.

V. Subcommittee Recommendations – Second Readings and Vote

- A. CRC-20-111** Consideration of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification.

Chair Evans requested Member Smith present the Second Reading of the Citizen Initiated Charter and Ordinance Amendment Process subcommittee recommendation. Member Smith requested staff provide perspective regarding an adjustment within the committee recommendation as discussed during the prior meeting. Deputy Clerk Smith stated that during the May 6th meeting, Member Fauth pointed out the verbiage of the words 'obtained submitted' and further, General Counsel would be researching and reporting on the issue. Discussion ensued. General Counsel Shepard stated that Assistant County Attorney Kate Latorre confirmed the error was made on behalf of Municode and with authorization from the CRC or the County she would make the correction with Municode. General Counsel Shepard noted that Deputy Clerk Smith provided him copies of the 2016 Ballot language. Chair Evans stated no update will be required of the subcommittee final report because the typographical error being identified is in fact an administrative error that will be corrected through the administrative channels. Furthermore, General Counsel Shepard stated the CRC Final Report will transmit the language in question verbatim to the 2016 amendment language along with the changes suggested in this referendum by this committee and adopted by this body.

Member Smith presented the Second Reading of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee recommendation. All subcommittee minutes and documents are available for reference on the Comptroller's Website. The purpose of the subcommittee was to evaluate the following topics:

- lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and
- lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal.

Member Smith thanked the subcommittee members, General Counsel, CRC staff, Commissioner Emily Bonilla, Supervisor of Elections Bill Cowles, and the League of Women Voters for taking the time to vet the topic and provide opinions and prospective. The subcommittee reviewed the needs of the proposal, presented by Member Vilchez Santiago, along with the current process, historical documents provided by the Supervisor of Elections, and the 2016 amendment language. The subcommittee evaluated the one hundred and eighty (180) day process, and identified the greatest obstacle in putting forth a citizen initiated petition. Within the one hundred and eighty (180) day process, a twenty (20) day delay was identified. Although the percent

threshold is a mathematically daunting task, the committee was focused on parts of the process that would greatly inhibit any citizen from the execution of a charter amendment or petition. Member Smith stated that upon reviewing the one hundred and eighty (180) day timeline for citizens to gather petitions, the subcommittee identified the two areas where citizens needed to wait on government offices to provide approval: The Legal Review executed by the County Procurement Office and the Financial Impact Statement facilitated by the Comptroller's Office. Ultimately, the subcommittee worked to provide language for the suspension of the one hundred and eighty (180) day timeline until those offices completed their reviews thus allowing for a full uninterrupted one hundred and eighty (180) day process for gathering petitions.

Member Smith stated that the subcommittee recommends the Draft Amendment to the Orange County Charter including Ballot title, and summary, be made with respect to the approved evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith reviewed the Ballot title and summary.

Member Fauth questioned the sequence of review for the language in question. Chair Evans noted that both General Counsel and the County Attorney's Office have confirmed the ballot approved by voters in 2016 had the correct language and Municode has an error in the language.

Member Stoccardo made a motion to amend Section 601 paragraphs A and B; further strike "of January 1 of the year in which the petition is initiated;" and further, replace with the following "defined by the number of people voting in the last presidential election."

Member Fauth seconded Member Stoccardo's amendment to the motion. Discussion ensued.

Member Smith requested clarification regarding the committee recommendation to Section 602 and the amendment put forth for Section 601. General Counsel Shepard provided clarification to the voting process of the main motion and the subsequent amendment. Chair Evans contributed to the discussion.

Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Stoccardo, seconded by Member Fauth, to amend Section 601 paragraphs A and B; further, strike "of January 1 of the year in which the petition is initiated;" and further, replace with the following "defined by the number of people voting in the last presidential election." The motion failed by the following votes:

Aye 2 - Member Fauth, Member Stoccardo

Nay 11 - Member Auffant, Member Douglas, Member Drake, Member Evans, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Absent 2 - Member Mims, and Member Suarez

A motion was made by Member Smith, seconded by Member Wynn, to approve the Citizen

Initiated Charter and Ordinance Amendment Process Subcommittee recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Mims, and Member Suarez

B. CRC-20-112 Consideration of the Permanent Funding of Green PLACE recommendation to make no changes to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's Final Report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE.

Chair Evans requested General Counsel Shepard present the Second Reading of the Permanent Funding of Green PLACE subcommittee recommendation. General Counsel Shepard stated the CRC evaluated whether a study committee needed to be created for permanent funding for Green PLACE. The amendment was introduced by Member Stoccardo and the CRC tasked General Counsel Shepard to research the legality of the proposed amendment. General Counsel Shepard noted Florida Law preempts the proposed amendment. Nevertheless, the CRC established the Permanent Funding of Green PLACE subcommittee to review alternative recommendations. General Counsel Shepard stated the subcommittee recommends no amendment to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, include a recommendation in the CRC Final Report that the BCC utilize current mechanisms in funding structures to acquire environmentally sensitive lands and reestablish the counties ad hoc committee for Green PLACE.

Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Smith, to approve the Permanent Funding of Green PLACE subcommittee recommendation to make no amendments to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's Final Report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE. The motion carried by the following vote:

Aye: 11 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Nay: 2 - Member Fauth, and Member Stoccardo

Absent: 2 - Member Mims, and Member Suarez

VI. Workgroup Update

A. CRC-20-113 CRC By-Laws Workgroup Meeting Held on May 11, 2020.

Chair Evans provided an update on the CRC By-Laws Workgroup. On Monday, May 11th the workgroup met to review the by-laws and received comments from members of the public and workgroup members. Chair Evans stated General Counsel Shepard provided an updated draft to be included in the recommendations of the draft Final Report. Chair Evan's stated the by-law recommendation of the subcommittee would not be binding on future CRC Boards. The workgroup compiled a number of procedures to help future CRC Boards be efficient and orderly with their process.

VII. New Business

Member Santiago announced he will be introducing the Split Oak Resolution during the May 29, 2020, meeting.

There being no further business, the CRC adjourned at 6:52 p.m.

Camille Evans, Chair
2020 Charter Review Commission