

ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC) MEETING

Date: Thursday, June 9, 2016
Location: Commission Chambers, Orange County Administration Center,
First Floor, 201 S. Rosalind Avenue, Orlando, Florida
Members Present: Frederick Brummer, Edward DeAguilera, Pat DiVecchio, Stina
D'Uva, Jose Fernandez, Doug Gondera, Walter Hawkins, Matthew
Klein, Robert Mellen, Cheryl Moore, Mikaela Nix, Kevin
Shaughnessy, Sandra D. St. Amand; Maribel Gomez Cordero
joined the meeting where indicated.
Member Absent: Eddie Fernandez
Others Present: Assistant County Comptroller Carol Foglesong, Assistant County
Attorney Katherine Latorre, CRC General Counsel Wade Vose,
CRC Administrative Assistant Anissa Mercado, Assistant Deputy
Clerk Jessica Vaupel, Senior Minutes Coordinator Craig Stopyra
Board Members: County Mayor Teresa Jacobs; Commissioner S. Scott Boyd

- CALL TO ORDER, 4:02 p.m.
- PLEDGE OF ALLEGIANCE
- MEMBER JOINED: Ms. Gomez Cordero
- APPROVAL OF MINUTES

Motion/Second: Ms. Moore/Mr. Brummer
Absent: Mr. E. Fernandez
AYE (voice vote): All present members
Action: The CRC approved the minutes of the May 26, 2016, meeting.

• CRC BUDGET UPDATE

Ms. Mercado presented an update of the CRC budget.

• CONSTITUTIONAL/CHARTER OFFICERS WORK GROUP REPORT

Work Group Chair Nix presented an update on the Constitutional/Charter Officers Work Group. The work group met on May 10, 2016, and decided on three (3) options:

- Take no action concerning the Constitutional Officers (labeled as Exhibit A in the June 9th Agenda packet or CCO Work Group's March 31, 2016 recommendation)
- Adopt a Charter amendment changing the Constitutional Officers to Charter Officers and providing for nonpartisan elections and term limits using ballot summary and charter language (labeled as Exhibit B in the June 9th Agenda packet and also as

General Counsel Vose's Memo dated April 19, 2016: Charter Amendment to address issues raised by plaintiffs).

- Adopt charter amendment with "springing" language made effective only if nonpartisan elections or term limits for constitutional officers are judicially invalidated for changing constitutional officers to charter officers and providing for nonpartisan elections and term limits, using ballot summary and charter language (labeled as Exhibit C in the June 9th Agenda packet).

General Counsel Vose provided additional information regarding the three options. General Counsel Vose also provided further understanding to the CRC of the Court's oral ruling from May 26th of *Demings vs Orange County* relating to nonpartisan elections and term limits for Constitutional Officers, the ballot summary and title of the Charter amendment and the Florida Election Code.

Discussion ensued amongst CRC members related to the Court's ruling. General Counsel Vose contributed to the discussion.

• PUBLIC COMMENT

The following persons addressed the CRC for public comment:

- David Rankin
- Elizabeth Van Dyke
- Derek Silver
- Orange County Supervisor of Elections Bill Cowles
- Nicholas Shannin
- Orange County Comptroller Martha Haynie
- Paul Wean
- Carol Johnson
- Doug Head
- Earnest DeLoach
- Bill Barnett
- Cynthia Ellenburg
- Robert Paymayesh
- Former Orange County Commissioner Lui Damiani
- Caleb Spencer
- Orange County Mayor Teresa Jacobs
- Orange County Property Appraiser Rick Singh
- Orange County Commissioner S. Scott Boyd

The material presented by the speaker was not received by the Clerk during public comment: Orange County Property Appraiser Rick Singh.

Discussion ensued amongst CRC members regarding the springing amendment concept, home rule, the Orange County Charter and upholding the 2014 Charter amendment. General Counsel Vose contributed to the discussion.

Motion/Second: Mr. Hawkins/Mr. J. Fernandez
Absent: Mr. E. Fernandez
AYE (voice vote): Mr. J. Fernandez, Ms. Gomez Cordero, Mr. Hawkins, Ms. St. Amand
NO (voice vote): Mr. Brummer, Mr. DeAguilera, Mr. DiVecchio, Ms. D'Uva, Mr. Gondera, Mr. Klein, Mr. Mellen, Ms. Moore, Ms. Nix, Mr. Shaughnessy

Action: The motion failed to take no action concerning the Constitutional Officers.

Motion/Second: Mr. Brummer/Mr. DeAguilera
Absent: Mr. E. Fernandez
AYE (voice vote): No vote was taken
NO (voice vote): No vote was taken

Action: To move the Charter Review Commission to include in its Final Report a Charter amendment changing the Constitutional Officers to Charter Officers, providing for nonpartisan elections and term limits using the ballot summary and Charter language in Exhibit B of the Constitutional/Charter Officers Work Group Report.

Clerk's Note: The motion by Mr. Brummer and seconded by Mr. DeAguilera was amended later in the meeting.

Discussion ensued regarding Exhibit B in the Constitutional/Charter Officers Work Group Report. General Counsel Vose contributed to the discussion.

Chair Shaughnessy proposed a friendly amendment to the main motion that included Exhibit B, which would take effect if the voters were in favor of the Charter amendment and also include Exhibit C that would take effect in case sometime later the Court overrules the nonpartisan election. Discussion ensued. General Counsel Vose contributed to the discussion.

Motion/Second: Mr. Brummer/Mr. DeAguilera
Absent: Mr. E. Fernandez
AYE (voice vote): No vote was taken
NO (voice vote): No vote was taken

Action: To bring the proposal back to the next Charter Review Commission with direction to General Counsel Vose to see if he can practically prepare some language for the ballot that would combine Exhibits B and C.

Mr. Brummer amended his main motion and it was agreed by Mr. DeAguilera for discussion purposes. Discussion ensued regarding Exhibits B and C in the Constitutional/Charter Officers Work Group Report.

Chair Shaughnessy restated the main motion with his friendly amendment and it was accepted by both the maker, Mr. Brummer, and the seconder, Mr. DeAguilera, of the main motion.

Motion/Second: Mr. Brummer/Mr. DeAguilera

Absent: Mr. E. Fernandez

AYE (voice vote): Mr. Brummer, Mr. DeAguilera, Mr. DiVecchio, Ms. D'Uva, Mr. Gondera, Mr. Klein, Mr. Mellen, Ms. Moore, Ms. Nix, Mr. Shaughnessy

NO (voice vote): Mr. J. Fernandez, Ms. Gomez Cordero, Mr. Hawkins, Ms. St. Amand

Action: The CRC adopted Exhibit B as an amendment to the Charter subject to review by the Ballot Summary Work Group; further, this item will come before the CRC on June 21; and further, to refer to General Counsel Vose and the Ballot Summary Work Group discussion of drafting an Exhibit C that will be limited to preserving Exhibit B and any other amendment that has granted nonpartisan status and term limits to the Constitutional Officers.

- OUTREACH WORK GROUP/OUTREACH OPPORTUNITIES

Chair Shaughnessy stated that a sample flyer was provided in the June 9th Agenda packet that was prepared for a prior Charter Review Commission. There are many speaking opportunities for CRC members before different groups around Orange County. Once the Charter Review Commission is finished, the Outreach Work Group is an administrative process to reach out into the community.

- TOURIST DEVELOPMENT TAX/CONSIDERATION TO RESCIND PRIOR ACTION

Member D'Uva requested the CRC consider rescinding the prior action of the CRC regarding the Tourist Development Tax amendment to the Orange County Charter because of two opposing presentations at the last CRC meeting.

- PUBLIC COMMENT

The following persons addressed the CRC for public comment:

- Chris Carmody
- Kevin Craig
- Doug Head
- Robert Agrusa
- Angel de la Portilla
- Phil Caronia
- Harris Rosen

Discussion ensued.

• PUBLIC COMMENT

The following person addressed the CRC for public comment: County Mayor Teresa Jacobs.

Discussion ensued.

Motion/Second: Ms. D'Uva/Mr. DiVecchio

Absent: Mr. E. Fernandez

AYE (voice vote): Mr. DeAguilera, Mr. DiVecchio, Ms. D'Uva, Mr. J. Fernandez, Mr. Gondera, Mr. Hawkins, Mr. Shaughnessy

NO (voice vote): Mr. Brummer, Ms. Gomez Cordero, Mr. Klein, Mr. Mellen, Ms. Moore, Ms. Nix, Ms. St. Amand

Action: The motion failed to rescind prior action of the CRC regarding the Tourist Development Tax (TDT) amendment.

• REVIEW OF CRC FINAL REPORT

Chair Shaughnessy addressed the CRC regarding review of the draft of the CRC Final Report, which includes the first two (2) questions on the ballot. Another draft report will be provided to the CRC members on or about June 16, 2016. CRC members can contact CRC staff with any typographical errors or minor corrections to the Final Report. Chair Shaughnessy requested input from CRC members regarding any substantive corrections to the final report.

Mr. Mellen suggested the following change to the Final Report:

- Page 11, Question #1, under Introduction, last line: amend the Charter and adopt, amend or repeal ordinances.

Mr. Klein suggested a substantive change to the Final Report and the possibility of rescinding a prior action of the CRC regarding write-in candidates. General Counsel Vose discussed a request by Orange County Supervisor of Elections to remove Question #3 from the ballot regarding write-in candidates.

General Counsel Vose indicated that in order to take action on an item that was not specifically noticed in the agenda for a motion to rescind, it is subject to a two-thirds vote. Chair Shaughnessy explained the purpose of rescinding prior action of the CRC regarding write-in candidates.

• PUBLIC COMMENT

The following person addressed the CRC for public comment: Nicholas Shannin.

Motion/Second: Mr. Brummer/Mr. Gondera

Absent: Mr. E. Fernandez

AYE (voice vote): All present members

Action: The CRC rescinded prior action of the CRC pertaining to Question #3, write-in candidates.

Mr. DiVecchio discussed concerns from the public regarding language in the ballot title and proposal under Question #1. General Counsel Vose addressed the discussions from the Ballot Summary Work Group as requested by Chair Shaughnessy.

General Counsel Vose discussed the following changes to the Final Report as suggested by Orange County Supervisor of Elections Bill Cowles and his general counsel, Nicholas Shannin, regarding the Initiative Petitions Amendment primarily relating to the placement of financial impact statement. The following suggested revisions are as follows:

In Section 602 G.1. and Section 602., replace:

"The supervisor of elections shall place the comptroller's financial impact statement on the ballot immediately following the corresponding ballot summary."

with:

"The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the correspondence ballot summary."

In Section 602 E.3., revise the second to last sentence as follows:

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.

General Counsel Vose also indicated a single word change requested by the County Attorney's Office to conform to current County usage for the following:

In Section 602 E.2., the word "purchasing" be replaced with the word "procurement".

Motion/Second: Mr. Brummer/Ms. Nix

Absent: Mr. E. Fernandez

AYE (voice vote): All present members

Action: The CRC adopted the recommended changes in General Counsel Vose's June 8, 2016 Memorandum, as follows:

In Section 602 G.1. and Section 602., replace:

"The supervisor of elections shall place the comptroller's financial impact statement on the ballot immediately following the corresponding ballot summary."

with:

"The comptroller's financial impact statement shall be separately contained and placed on the ballot immediately following the correspondence ballot summary."

In Section 602 E.3., revise the second to last sentence as follows:

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.

In Section 602 E.2., the word "purchasing" be replaced with the word "procurement".

Chair Shaughnessy indicated that another draft of the Final Report will be issued with the changes from today's meeting including any typographical and punctuation changes. Chair Shaughnessy suggested that the changes appear in a redline version or highlighted in the Final Report.

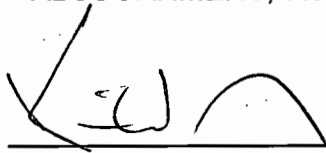
- PUBLIC COMMENT

No one addressed the CRC for public comment.

- ANNOUNCEMENT

The next meeting of the Ballot Summary Work Group will be June 15, 2016, at 2 p.m. Chair Shaughnessy requested CRC staff draft an amended section of the Final Report. The amended section and draft language will be provided to the CRC by June 16, 2016. Ms. Foglesong requested all CRC members be present at the CRC meeting on June 21, 2016, to sign the Final Report.

- ADJOURNMENT, 7:36 p.m.



Kevin Shaughnessy, Chair
2016 Charter Review Commission