

BCC Mtg. Date: October 4, 2016

ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC) MEETING

Date: Tuesday, June 21, 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, Eddie Fernandez, Jose Fernandez, Maribel Gomez  
Cordero, Doug Gondera, Walter Hawkins, Robert Mellen, Cheryl  
Moore, Mikaela Nix, Kevin Shaughnessy; Sandra D. St. Amand  
joined the meeting where indicated.  
Member Absent: Matthew Klein  
Others Present: Assistant County Attorney Katherine Latorre, CRC General  
Counsel Wade Vose, CRC Administrative Assistant Anissa  
Mercado, Deputy Clerk Katie Smith, Assistant Deputy Clerk Jessica  
Vaupel, Senior Minutes Coordinator Craig Stopyra, Senior Minutes  
Coordinator Noelia Perez  
Board Member: Commissioner S. Scott Boyd

- CALL TO ORDER, 4:01 p.m.
  - MOMENT OF SILENCE  
Honoring victims of the Pulse Nightclub tragedy
  - MEMBER JOINED: Ms. St. Amand
  - PLEDGE OF ALLEGIANCE
  - APPROVAL OF MINUTES
- Motion/Second: Mr. J. Fernandez/Mr. Hawkins  
Absent: Mr. Klein  
AYE (voice vote): All present members  
Action: The CRC approved the minutes of the June 9, 2016, meeting.

• CRC BUDGET UPDATE

Ms. Mercado presented an update of the CRC budget.

• BALLOT SUMMARY WORK GROUP REPORT

Chair Shaughnessy presented an update on the Ballot Summary Work Group. The work group prepared a proposal for consideration based on the motion that was approved at the last meeting of the CRC on June 9, 2016. The work group proposed two (2) potential questions that are highlighted in the draft of the Final Report in the meeting agenda packet. The work group was unanimous in drafting Questions #3 and #4, ballot

proposal and summary and also reviewed textural changes to the Charter. Chair Shaughnessy announced that the CRC will consider each question individually if there is a motion. Chair Shaughnessy reiterated that Question #3 addresses the motion by Mr. Brummer to change the County Constitutional Officers to Charter Officers, providing for nonpartisan elections, and term limits of four consecutive four-year terms. Chair Shaughnessy indicated Question #3 would otherwise abolish the status of the Constitutional Officers and limits the authority of the County Commission over the Constitutional Officers.

- PUBLIC COMMENT

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

Discussion ensued amongst CRC members regarding comments made by the public to Questions #3 and #4. General Counsel Vose contributed to the discussion.

Motion/Second: Mr. Brummer/Mr. Gondera

Absent: Mr. Klein

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

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

Action: The CRC approved the Recommendation of the Ballot Summary Work Group to place on the ballot the proposal and summary, for Question #3, changing County Constitutional Officers to Charter Officers and providing for nonpartisan elections and term limits.

Chair Shaughnessy requested Mr. Brummer consider proposing a motion to place on the ballot Question #4, along with the summary and textural provisions, located on page 27 of the Draft Final Report.

- PUBLIC COMMENT

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

Motion/Second: Mr. Brummer/Ms. Nix

Absent: Mr. Klein

AYE (voice vote): Mr. Brummer, Mr. DeAguilera, Mr. DiVecchio, Ms. D'Uva, Mr. E. Fernandez, Ms. Gomez Cordero, Mr. Gondera, Mr. Mellen, Ms. Nix, Mr. Shaughnessy, Ms. St. Amand

NO (voice vote): Mr. J. Fernandez, Mr. Hawkins, Ms. Moore

Action: The CRC approved to place on the ballot the proposal and summary, for Question #4, preserving term limits and nonpartisan elections for County Constitutional and Charter Officers.

- TOURIST DEVELOPMENT TAX/CONSIDERATION TO RESCIND PRIOR ACTION

Mr. Mellen requested the CRC consider rescinding the prior action of the CRC regarding the Tourist Development Tax amendment to the Orange County Charter. Mr. Mellen mentioned that although originally in support of the amendment he now feels the substance of the proposed amendment would be better handled by an ordinance rather than by a Charter amendment. Mr. Mellen proceeded to make a motion seconded by Mr. Hawkins rescinding prior action of the CRC regarding the Tourist Development Tax Amendment to the Charter. Public comment and CRC discussion ensued.

- PUBLIC COMMENT

The following person addressed the CRC for public comment: Angel de la Portilla.

Mr. E. Fernandez discussed with the CRC the motion brought forward by Mr. Mellen to rescind previous action with regards to the Tourist Development Tax Amendment and offered proposed language pertaining to the evaluation process for spending Tourist Development Tax. The proposed language to amend and replace the ballot title and language for Question #2 along with text revisions to Section 713 are as follows:

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

REQUIRING EVALUATION PROCESS FOR SPENDING TOURIST DEVELOPMENT TAX; PRESERVING STATUTORY POWERS OF COUNTY COMMISSION

Text Revisions: Section 713 of the Orange County Charter is created to read as follows:

Section 713. Tourist Development Taxes.

The board shall, by ordinance, adopt a process for evaluating amendments to the Orange County Tourist Development Plan and award of tourist development tax revenue not otherwise earmarked to an existing contract or bond commitment as of the effective date hereof, January 1, 2017. Such ordinance shall, at minimum, provide that prior to such amendment or award, the board shall evaluate the project or use contemplated by the amendment or award, using criteria that include (1) how the project or use expands tourism in Orange County, (2) the anticipated return on investment of the project or use, and (3) the soundness and quality of the project or use. This section and the ordinance adopted hereunder are not intended and shall not be construed to restrict the authority and discretion of the board in amending the Tourist Development Plan pursuant to the Local Option Tourist Development Act.

The following material was presented to the Board: Exhibit 1, from Mr. E. Fernandez.

Mr. E. Fernandez offered a friendly amendment to the main motion to include his proposal to Mr. Mellen's motion. Discussion ensued amongst CRC members pertaining to the procedural issues with voting on the motion to rescind the prior action and the proposed language offered as a friendly amendment by Mr. E. Fernandez. General Counsel Vose contributed to the discussion.

The friendly amendment to the main motion offered by Mr. E. Fernandez was not accepted by the maker of the main motion, Mr. Mellen.

Motion/Second: Mr. Mellen/Mr. Hawkins

Absent: Mr. Klein

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

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

Action: The CRC moved to rescind the CRC's prior action approving the proposed Tourist Development Tax (TDT) Charter amendment for the inclusion on the November ballot.

Mr. E. Fernandez offered a motion seconded by Mr. Brummer to place his ballot proposal for inclusion on the November ballot.

Discussion ensued amongst CRC members regarding notice standards and voting criteria of the new proposal. General Counsel Vose indicated that the motion to place on the November ballot the new proposal offered by E. Fernandez regarding the Ballot Title and summary for Question #2 and revisions to Section 713 would be subject to a simple majority vote not a super majority vote. General Counsel Vose further concluded that a motion to rescind prior action or special motions are subject to higher vote requirements unless prior notice was provided.

#### • PUBLIC COMMENT

The following persons addressed the CRC for public comment:

- Trini Quiroz
- Michele Levy
- Angel de la Portilla

Discussion ensued amongst several CRC members regarding the proposed new amendment to Section 713 as presented by Mr. E. Fernandez. General Counsel Vose contributed to the discussion.

Mr. Shaughnessy offered friendly amendments to the main motion to the ballot question and summary in Section 713 of the proposed new amendment as presented by Mr. E. Fernandez. Discussion ensued.

The friendly amendments to the main motion offered by Chair Shaughnessy were not accepted by the maker of the main motion, Mr. E. Fernandez.

Motion/Second: Mr. E. Fernandez/Mr. Brummer

Absent: Mr. Klein

AYE (voice vote): Mr. Brummer, Mr. DeAguilera, Mr. E. Fernandez, Ms. Gomez Cordero, Ms. Moore, Ms. Nix

NO (voice vote): Mr. DiVecchio, Ms. D'Uva, Mr. J. Fernandez, Mr. Gondera, Mr. Hawkins, Mr. Mellen, Mr. Shaughnessy, Ms. St. Amand

Action: The motion failed to place on the November ballot the new proposal offered by Mr. E. Fernandez amending Section 713 to the Orange County Charter.

#### • REVIEW OF CRC FINAL REPORT

Chair Shaughnessy indicated the draft of the Final Report in the meeting agenda packet contains Question #1 pertaining to the Initiative Petition Process and Question #2 would be stricken in its entirety from the Final Report. Questions #3 and #4 would remain in the Final Report and would be renumbered as Questions #2 and #3.

#### • PUBLIC COMMENT

The following persons addressed the CRC for public comment:

- Michele Levy
- Trini Quiroz
- Mike Ketchum
- John Pardo
- Bernadine Galate
- Linda O'Keefe
- Bill Barnett
- Emily Bonilla

Ms. Smith confirmed that ballot Questions #1, #2, and #3 have been translated into Spanish.

Motion/Second: Mr. Brummer/Mr. Hawkins

Absent: Mr. Klein

AYE (voice vote): Mr. Brummer, Mr. DeAguilera, Mr. DiVecchio, Ms. D'Uva, Mr. E. Fernandez, Mr. Gondera, Mr. Hawkins, Mr. Mellen, Ms. Moore, Ms. Nix, Mr. Shaughnessy, Ms. St. Amand

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

Action: The CRC accepted the Final Report of the 2016 Charter Review Commission as provided with the June 21, 2016, meeting agenda, however accepting changes to the report reflected by today's actions and allowing General Counsel and Staff to correct any scrivener errors; and further, directed that final copies be provided to the Clerk of the Board and the Supervisor of Elections on or before June 24, 2016.

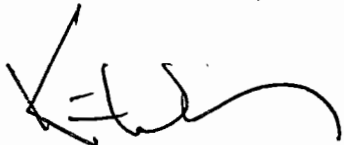
- OUTREACH TO THE PUBLIC

Chair Shaughnessy informed the CRC that there will be a committee of speakers to go into the community for public outreach. CRC staff will prepare a public information piece and will also work with the Supervisor of Elections to ensure that the amendments to the Charter properly appear on the ballot.

- ANNOUNCEMENT

General Counsel Vose instructed CRC members that they are still subject to the Sunshine Law as to all matters pertaining to the Charter Review Commission (CRC). General Counsel Vose requested that the CRC members have no contact with each other concerning Charter Review Commission (CRC) matters until after the general election on November 8, 2016. He added that financial disclosure forms need to be filed by July 1, 2016.

- ADJOURNMENT, 6:03 p.m.



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Kevin Shaughnessy, Chair  
2016 Charter Review Commission