



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/>.