



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/>.