

Orange County Government

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



Draft 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 textual 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