

RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

establishing the

ORANGE COUNTY ADVISORY COMMITTEE FOR REDISTRICTING

Resolution No. 21- M-31

WHEREAS, the Board recognizes that the County's residents have the right to, under the United States Supreme Court's "one person, one vote" concept derived from the Equal Protection Clause of the U.S. Constitution, elect County Commissioners who truly represent them; and

WHEREAS, in order to ensure such right is protected:

- (a) Article VIII, Section 1(e), of the Florida Constitution mandates that after each decennial census the Board of County Commissioners (the "**Board**") shall divide Orange County, Florida (the "**County**"), into commission districts that are contiguous and as nearly equal in population as practicable; and
- (b) Section 202 of the Orange County Charter requires that the Board reconsiders the boundaries of the County's commission districts after each decennial census; and

WHEREAS, as the most recent decennial census was completed by the U.S. Census Bureau in 2020, the Board must now adopt a redistricting process through which it will meet its obligation to decennially adjust the County's commission district boundaries in accordance with the requirements set forth in federal, state, and local law; and

WHEREAS, as part of the County's redistricting process, the Board wishes to create a citizen-led advisory committee for redistricting that – in compliance with this establishing resolution – will recommend necessary or desirable adjustments to the County's commission district boundaries to the Board for its consideration; and

WHEREAS, the Board intends that all County residents will be provided an opportunity to observe and participate in the County's redistricting process and that such redistricting process shall be conducted in a manner that is as open, transparent, and fair as possible and practicable, given the following considerations:

- (a) The unprecedented time constraints caused by the delay in the U.S. Census Bureau's delivery of the data necessary to redistrict local legislative districts (“redistricting data”) to the states; and
- (b) The public health, safety, and welfare considerations related to the pandemic and its aggressive variant strains; and

WHEREAS, in order to ensure that the Board's public observation and participation objective is met, the Board hereby sets the following minimum public meeting requirements for the advisory board for redistricting:

- (a) There shall be at least one (1) public meeting of the advisory committee held within the geographic boundaries of each of the six (6) current commission districts; and
- (b) Members of the public shall be provided an opportunity to give public comment, whether in person or through the use of County-provided technology, at all advisory committee meetings; and
- (c) In-person meetings shall be held at locations as able to accommodate all pandemic-related recommended social-distancing requirements as practicable and possible; and
- (d) Technology necessary to facilitate observation and participation in an open, transparent, and fair forum by County residents shall be utilized whenever possible; and

WHEREAS, the Board anticipates receiving the final recommendations from the advisory committee no later than January 14, 2022, and then intends to:

- (a) Adopt the final adjusted commission district boundaries by March 11, 2022, or the last day of the regular session of the Florida State Legislature, whichever date is earlier, so that the County fully completes its redistricting effort in ample time for residents of the newly created commission districts to qualify for nomination and election to the Office of County Commissioner in the 2022 primary and general elections; and
- (b) Adopt final adjusted commission district boundaries that are as nearly equal in population as practicable and compliant with applicable federal, state, and local law, while also considering the following permissible traditional redistricting objectives: (i) compactness; (ii) preservation of municipal boundaries; (iii) preservation of cores of prior districts; (iv) maintaining communities of interest; and (v) consideration of

incumbent interests.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA:

Section 1. Recitals. The above recitals are hereby incorporated and are to be considered binding.

Section 2. Creation of the Advisory Committee for Redistricting. There is hereby created an advisory committee to be known as the "Advisory Committee for Redistricting" (the "Committee").

Section 3. Duties, Responsibilities, and Guidelines

(a) ***Generally.*** The Committee shall analyze and review the redistricting data received from the U.S. Bureau of the Census, consider the requirements listed below, and then shall draft and submit to the Board its recommended adjusted commission district boundaries.

(b) ***Proposed Adjusted Commission District Boundaries Requirements.*** The Committee's recommended adjusted commission district boundaries shall meet the following requirements:

- (1) The Committee's recommended adjusted commission district boundaries shall be contiguous and as nearly equal in population as practicable. For the purposes of this requirement, the maximum population deviation between the largest and smallest proposed adjusted commission districts shall be less than 10% in any recommendation that the Committee submits to the Board.
- (2) While meeting and prioritizing the requirements of subparagraph (1) above, the Committee shall additionally take into consideration applicable federal, state, and local law as well as the following traditional redistricting considerations:
 - (i) Compactness;
 - (ii) Preservation of municipal boundaries;
 - (iii) Preservation of cores of prior districts;
 - (iv) Maintaining communities of interest; and

(v) Consideration of incumbent interests.

(c) **Charter Restrictions.** As Section 202 of the Orange County Charter requires that there shall be six (6) commission districts, the Committee is not authorized to consider or recommend to the Board any commission district boundary adjustments that contemplate the addition or subtraction of commission districts.

(d) **General Restrictions.** The Committee is not authorized to consider or recommend to the Board any boundary adjustments that do not comply with the provisions of this section. The County Attorney or his designee is hereby authorized to mark any proposed boundary adjustment documentation that does not meet the requirements of this section as “non-compliant.”

(e) **Recommendation Deadline.** The deadline by which the Committee must submit its recommended adjusted commission district boundaries to the Board is January 14, 2022.

Section 4. Membership

(a) **Voluntary Membership.** Members of the Committee shall not receive any compensation for their services, but may be reimbursed from funds made available to the Committee for travel and per diem expenses incurred in the performance of their Committee duties as provided in Section 112.061, Florida Statutes.

(b) **Composition.** The Committee shall be composed of the fifteen (15) members who shall serve until the Committee sunsets and terminates pursuant to conditions of **Section 9 (“Committee Sunset and Termination”)** below. Such members shall be nominated by the Orange County Mayor and the Board of County Commissioners as followed:

- (1) Three (3) individuals nominated by the Orange County Mayor, two (2) of whom shall be designated by the Orange County Mayor to serve as the Co-Chairs of the Committee; and
- (2) Two (2) individuals nominated by each of the six (6) Commissioners of the Board of County Commissioners.

(c) **Additional Membership Qualifications**

- (1) All members must currently be, and for the duration of their membership on the Committee shall continue to be, residents and electors of Orange County, Florida.
- (2) Elected officials, other than members of the judiciary, and County employees

are not eligible to serve on the Committee.

- (3) Candidates for the Office of County Commissioner in 2022, as well as persons intending to run or who are otherwise considering whether to run for the Office of County Commissioner in 2022, are not eligible to serve on the Committee.

(d) **Confirmation of Membership Nominations.** Through adoption of this Resolution, the following individuals are hereby confirmed by the Board to serve as Committee members:

Table 1. Board Appointments	
Nominating Individual	Nominee Name
Orange County Mayor	Hector "Tico" Perez (Co-Chair)
	Camille Evans (Co-Chair)
	Gary Jones
District 1 Commissioner	Ruthanne Connor King
	Zach Hoover
District 2 Commissioner	Joe Kilsheimer
	Jason Mellon
District 3 Commissioner	Mark Arias
	Thomas Callan
District 4 Commissioner	Jimmy Auffant
	Julio Rocha
District 5 Commissioner	Wes Hodge
	Kelly Semrad
District 6 Commissioner	Virginia Whittington
	Homer L. Hartage

(e) **Committee Spokespeople.** While all members of the Committee have the right to discuss any items related to their Committee assignment with members of the press and other media, the Committee's Co-Chairs shall be the official spokespeople and voice of the Committee to members of the press and other media with regard to positions previously adopted by the Committee.

(f) **Absenteeism.** Due to the limited number of anticipated committee meetings, any Committee member that misses three (3) of the Committee's regularly-scheduled meetings for any reason shall be automatically removed from the Committee. Such member's vacancy shall

be filled pursuant to this section.

(g) **Vacancies.** In the event of a vacancy on the Committee due to removal for absenteeism, relocation, resignation, death, disability, or any other cause, the "Nominating Individual" associated with the vacant seat in Table 1 above shall nominate a replacement. Such nominee must be approved by the Board prior to filling the vacant seat.

Section 5. Meetings

(a) **Minimum Meeting Requirements.** Meetings of the Committee shall meet the minimum meeting requirements established by the Board in the above recitals. Additionally, such meetings must comply with the requirements of Section 286.011 ("**Government-in-the-Sunshine Law**"), Florida Statutes. Specifically:

- (1) Each meeting shall be open to the public;
- (2) Reasonable notice of each meeting shall be provided; and
- (3) Minutes of each meeting shall be recorded and made open to inspection by the public.

(b) **Quorum.** A quorum of eight (8) members must be present in order to conduct any meeting of the Committee.

(c) **Meeting Schedule.** The schedule of meetings for the Committee will be created and provided by the Orange County Neighborhood Services Division. Additional meetings may be requested by the Committee. Such request may only be initiated by joint motion brought forth by the Committee's Co-Chairs that is then approved by the majority of the Committee members present. Should such an additional meeting request be made by the Committee in accordance with this provision, the Orange County Neighborhood Services Division shall then coordinate with the Committee members to schedule a time and appropriate location for such meeting. Nothing in this paragraph shall be construed as preventing the Orange County Mayor or County Administrator from adding additional meetings to the Committee's schedule as necessary.

(d) **Meeting Agendas.**

- (1) Agendas will be prepared by the Orange County Neighborhood Services Division with input provided by the Co-Chairs.
- (2) Any Committee member may submit their proposed commission district boundary adjustment maps for discussion on an upcoming meeting's agenda

by providing such documents to the Orange County Neighborhood Services Division no later than four (4) business days prior to the scheduled meeting.

- (3) Committee members may add additional non-commission district boundary adjustment map items or issues to a subsequent meeting agenda if, at a Committee meeting:
 - (i) The Co-Chairs of the Committee deem such items or issues move the Committee closer to the Committee's objective of recommending proposed commission district boundary adjustments to the Board by January 14, 2022; and
 - (ii) A majority of the Committee votes in support of adding such items or issues to a subsequent meeting's agenda.
- (4) Citizens must have a Committee member sponsor to have their proposed commission district boundary adjustment maps added to an agenda.
- (e) **Public Comment.** The agenda for each meeting shall include a "public comment" section during which members of the public shall be provided the opportunity to express their opinions to the Committee. The Committee Co-Chairs may reasonably limit the time each member of the public can speak.

Section 6. Committee Administrative Support

(a) **In General.** The Committee shall be entitled to the support of Orange County staff, with all requests for information and assistance being made by the Committee Co-Chairs to the Orange County Neighborhood Services Division.

(b) **Specific Staff Assistance.** The following specific staff assistance shall be provided to the Committee:

- (1) The Orange County Attorney shall serve as legal counsel to the Committee, and all legal questions shall be submitted directly to him or his designee.
- (2) The Orange County Neighborhood Services Division shall serve as staff liaison for the Committee.
- (3) The Orange County GIS Division shall assign staff as necessary or desirable to assist the Committee in developing its recommendations.

(c) **County Comptroller.** The Orange County Comptroller, as Clerk to the Board of County Commissioners, is asked to assign staff to serve as the clerk and recording secretary to the Committee.

(d) **Supervisor of Elections.** The Orange County Supervisor of Elections is asked to assign staff to assist the Committee in developing its recommendations.

Section 7. Procedures

(a) **Sunshine Law; Public Records; Ethics.** Members of the Committee shall be required to comply fully with:

- (1) Section 286.011 (“**Government-in-the-Sunshine Law**”), Florida Statutes;
- (2) Chapter 119 (“**Public Records Law**”), Florida Statutes; and
- (3) Chapter 112, Part III (“**Code of Ethics for Public Officers and Employees**”), Florida Statutes.

(b) **Rules of Procedure**

- (1) The Committee shall use the *Roberts Rules of Order* and the Orange County Attorney or his designee shall serve as the Committee's Parliamentarian.
- (2) The Committee may, by joint motion of the Co-Chairs and approval of the Committee members present, adopt additional Committee procedures so long as such procedures are deemed by the County Attorney or his designee to:
 - (i) Comply with applicable law; and
 - (ii) Not be in conflict with any provision of this Resolution.

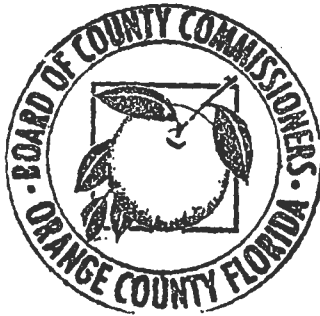
Section 8. Advisory Nature of the Committee. Nothing in this Resolution shall be construed as requiring that the Board review or receive recommendations from the Committee prior to meeting its legal obligations to adopt adjusted commission district boundaries based on the decennial redistricting data. The recommendations of the Committee are advisory only and are therefore subject to revisions and amendments as the Board may elect. Furthermore, the dates set forth in this Resolution are guidelines and targets, but not procedural deadlines. Failure

by the Committee to submit its recommendations by January 14, 2022, shall not affect the validity of any adjusted commission district boundaries adopted by the Board in any respect.

Section 9. Committee Sunset and Termination. Unless terminated sooner by the Board, the Committee shall sunset and terminate upon adoption of adjusted commission district boundaries by the Board. Regular meetings of the Committee shall cease upon the Committee's submission of its recommendations to the Board. If the Board requires additional input from the Committee after submission of its recommendations, the Committee Co-Chairs shall call a meeting pursuant to **Section 5 ("Meetings")** above. If necessary, such meeting shall also be able to be called by the Orange County Mayor.

Section 10. Effective Date. This resolution shall become effective upon adoption by the Orange County Board of County Commissioners.

ADOPTED this 24th day of August, 2021.



ORANGE COUNTY, FLORIDA

By: Orange County Board of County Commissioners

By: *Jerry L. Demings*
for Jerry L. Demings
Orange County Mayor

ATTEST: Phil Diamond, CPA, County Comptroller
As Clerk of the Board of County Commissioners

BY: *Katie Smith*

Deputy Clerk