

Orange County Government

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



Draft Meeting Minutes

Tuesday, April 2, 2024

6:00 PM

County Commission Chambers

Charter Review Commission

CRC Members:

Homer Hartage, Chair

Lee Chira, Vice Chair

Mark Arias-Rishi Bagga-Dick Batchelor-Tom Callan-

Eric R. Grimmer-Erica Jackson-Chuck O'Neal-

Angel de la Portilla-Alisia Adamson Profit- Cornita A. Riley- Eugene Stoccardo-Beverly

Winesburgh-

Dotti Wynn

Call to Order

The meeting was called to order at 6:02 p.m.

Present: 12 - Member Dick Batchelor, Member Angel de la Portilla, Member Eric R. Grimmer, Member Erica Jackson, Member Homer Hartage, Member Lee Chira, Member Tom Callan, Member Dotti Wynn, Member Eugene Stoccardo, Member Cornita A. Riley, Member Chuck O'Neal, and Member Beverly Winesburgh

Absent: 3 - Member Alisia Adamson Profit, Member Mark Arias, and Member Rishi Bagga

Others present:

Deputy Clerk David Rooney
Assistant Deputy Clerk Jennifer Lara-Klimetz
CRC General Counsel Wade Vose
CRC Administrative Assistant Jessica Vaupel
Senior Minutes Coordinator Noelia Perez

Pledge of Allegiance**I. Roll Call**

Members Present: Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Wynn, Chair Hartage, Vice Chair Chira, Member Grimmer, Member O'Neal, Member Stoccardo and Member Riley. A quorum was established and the meeting was called to order.

II. Chair / Vice Chair Comments

Chair Hartage acknowledged Alycia Calderon-Walker, aide to District 5 Commissioner Emily Bonilla and mentioned she will be addressing the CRC on behalf of Commissioner Bonilla.

Chair Hartage addressed the CRC regarding tonight's proceedings and indicated the committees are at the final stage of their reports and recommendations. During the meeting, CRC General Counsel Vose will present the final report and recommendation of the Initiative Petitions Committee. Chair Hartage pointed out if the Initiative Petitions Committee recommendation is accepted by the CRC, later this evening the CRC will hold its first of two public hearings for votes on the recommendation. Furthermore, the CRC will hold its first of two public hearings and votes on the Governmental Structure Committee recommendation, to increase the County Commission from six to eight. He acknowledged the Comptroller's Office has provided the financial analysis and impact statement for the Governmental Structure Committee proposed Charter amendment. Chair Hartage announced public comment would be heard at the start of the meeting and during the public hearings; and further, confirmed tonight's scheduled public hearings have been properly noticed and posted by CRC staff.

III. Public Comment

Alycia Calderon-Walker, aide to District 5 Commissioner Emily Bonilla read a statement on

behalf of Commissioner Bonilla supporting the Initiative Petitions Committee and Governmental Structure Committee recommendations.

The following person addressed the CRC during public comment: Patricia Rumph.

V. Acceptance of Committee Final Report

A. CRC-24-099 Initiative Petitions Committee

CRC Chair Hartage recognized Initiative Petitions Committee Chair Dottie Wynn; and further, stated CRC Attorney Vose will present the Initiative Petitions Committee final recommendation report. The CRC will hold the first of two public hearings for votes on the recommendation, if the Initiative Petitions Committee's recommendation is accepted by the CRC, later this evening. CRC Chair Hartage reiterated in evaluating the final recommendation report the CRC can do one of the following: 1.) accept the report of the committee as presented; 2.) reject the report of the committee; or 3.) accept the report with proposed changes for further review by the committee. Furthermore, a report going back to the committee for further review does not mean it will be approved.

CRC Chair Hartage acknowledged Member Batchelor joined the meeting.

CRC General Counsel Vose presented an overview of the final recommendation report submitted by the Initiative Petitions Committee. He explained the primary work of this committee was to review the initiative petition section of the Charter specifically the amendments made by the 2016 CRC Commission. Based upon their review, the Initiative Petition Committee is recommending substantial revisions to the current CRC Commission.

The committee has reviewed Sec. 601 (Initiative and referendum), Sec. 602 (Procedure for initiative and referendum), and Sec. 603 (Limitation) of the current charter.

Concerning Section 601 (Initiative and referendum) the majority of the committee recommends lowering the number of signed petitions necessary to propose a charter amendment from 10 percent of registered voters in each commission district to 5 percent of registered voters in a majority of commission districts. Similarly, the Committee recommended the number of signed petitions necessary to propose an ordinance by initiative be reduced from 7 percent of registered voters in each commission district to 3 percent of registered voters in a majority of commission districts.

Concerning Section 602 (Procedure for Initiative and referendum), the recommendation of the committee is to eliminate Subsection E. The Committee also reviewed the existing initiative petitions procedures for the legal review panel, financial impact statement, and public hearing. CRC Attorney Vose mentioned these processes subsequently takes place after the one percent threshold of all petitions gathered from all county electors in each county commission district, has been met. He went on to explain the three procedures under the current Charter as follows:

1) Legal review panel consisting of three local government attorneys selected under the County's

procurement process. These attorneys review any proposed charter amendment or ordinance by initiative to determine if that proposed charter amendment or ordinance by initiative satisfies the single subject requirement, are not inconsistent with state law or restrictions in the Charter.

2) Financial impact analysis is required to be completed by the County Comptroller's Office, along with a seventy five (75) word financial impact statement relating to the proposed Charter amendment or ordinance by initiative that would be placed separately on the ballot.

3) Public Hearing scheduled for a proposed Charter amendment or ordinance by initiative.

The recommendations from the majority of the Committee regarding the legal review panel, financial impact analysis, and public hearing requirements are as follows:

The Initiative Petitions Committee recommends substituting the legal review panel with the submission of three letters from three Florida licensed attorneys to evaluate and determine single subject requirement, make sure its not inconsistent with state law, the Florida Constitution, or the restrictions of the charter;

Further, the Comptroller's financial impact statement would be prepared and made available to the public after the one percent voter threshold has been met with regards to a charter proposed amendment or ordinance by initiative; however, it would not require the financial impact statement be summarized in seventy five (75) words be placed separately on the ballot. CRC General Counsel Vose explained the decision of the Committee was based upon a similar requirement found in Broward County's Charter. Broward County requested the opinion of the Division of Elections regarding if a separate seventy five (75) word financial impact statement be placed on the ballot after a proposal. The Divisions of Elections found that was preempted under a recent case law from the Florida Supreme Court; they did not offer an opinion regarding the requirement of a financial impact analysis and it was determined to maintain a financial impact analysis in the proposal;

And further, regarding public hearings there is no separate requirement for a public hearing for each charter amendment and the committee recommends retaining the preexisting requirement. The language found in the Charter indicates whenever an ordinance by initiative is proposed there will be a public hearing at which the Board of County Commissioners will review that Ordinance by initiative; and further, the BCC would have the option to adopt it as an Ordinance and avoid going through the entire process of putting it on the ballot. The Committee does not propose any changes.

Discussion ensued regarding single subject requirements on the ballot. CRC General Counsel Vose explained under the current Charter, the procedural requirement in the initiative petitions process is any proposed charter amendment or Ordinance by initiative has to meet single subject requirements; however this is in contrast to charter amendments that come out of the CRC which are not subject to single subject requirements. He explained that matter would eventually need to be reviewed either through the legal review process in the current Charter or the legal process described in the Committee proposal.

Further changes recommended by the majority of the committee were concerning petition affidavit requirements and petition signatures. In the current Charter, there are a list of requirements regarding petitions gathered by volunteers and paid circulators including the requirement they sign an affidavit under oath verifying the individual signing the petition. However, the majority of the committee recommended removing any affidavit requirements pertaining to petitions gathered by volunteers but incorporating the state law requirements with regards to paid petition gatherers. In addition, the committee is also recommending removing a process that was added in the 2016 Charter providing an opportunity for signature withdrawal. In the current Charter, if someone signs a petition prior to the process being completed the voter could submit a form to the Supervisor of Elections office to remove their signature. The committee is recommending the removal of that procedure from the Charter provision.

CRC Chair Hartage questioned how the work of the committee would be incorporated into ballot language. CRC General Counsel Vose indicated the work of the committee was to review proposed ballot language and the recommendation of the majority of the committee is embodied in the final report with the proposed ballot language to read as follows:

Exhibit "A"

Ballot Proposal:

The ballot title and ballot summary for this question are as follows:

AMENDMENT REVISING ORANGE COUNTY CHARTER INITIATIVE PETITION PROCESS

Revising the charter initiative petition process by lowering petition requirements for charter amendments from 10 percent of registered voters in each commission district to 5 percent in a majority of districts, and for ordinances from 7 percent in each district to 3 percent in a majority of districts; removing signature withdrawal procedures; and revising financial impact statement, public hearing, legal review, and petition affidavit requirements.

☐ Yes

☐ No

Discussion ensued regarding ballot language, amendments to Charter from the 2016 CRC Commission, time frames for submitting petitions, verification of petition signatures, requirements of volunteer and paid petition gatherers, and Florida counties voter threshold. CRC General Counsel Vose and CRC Chair Hartage contributed to the discussion.

A motion was made by Member Wynn, seconded by Member Jackson, to accept the report of the Initiative Petitions Committee as presented. No vote taken. Discussion ensued regarding the difficulties of the current initiative process and the proposed requirements for petition gatherers.

Member Batchelor requested to amend the language of the Sec. 602 Procedure for initiative and referendum, Page Seven, Subsection C. CRC General Counsel Vose contributed to discussion

and read the amended language into the record as follows: Petition gathering. As used in this Charter, "petition gatherer" means any individual who is a resident of Orange County who gathers signatures in person for a county initiative petition.

Discussion ensued. CRC General Counsel Vose requested CRC Chair Hartage announce the seconder of the amended motion. Member Callan was announced as the seconder. CRC General Counsel Vose contributed to the discussion regarding the requirement of the affidavit in Florida Statute 100.371(5).

A motion was made by Member Batchelor, seconded by Member Callan, to amend the motion; and further, modify the language of the Initiative Petition Committee's Report, Sec. 602 Procedure for initiative and referendum, Page Seven, Subsection C. No vote taken. Discussion ensued. CRC General Counsel Vose contributed to discussion with regards to the amended motion and restricting petition gathering only to residents of Orange County. Discussion ensued.

A motion was made by CRC Chair Hartage, seconded by Member Grimmer, to call the question to end discussion. The motion carried by the following vote:

Aye: 12 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Wynn, Member Hartage, Member Chira, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 3 - Member Arias, Member Bagga, and Member Adamson Proffitt

A motion was made by Member Batchelor, seconded by Member Callan, to amend the main motion; and further, modify the language of the Initiative Petition Committee's Report, Section 602 Procedure for initiative referendum, Page 7, Subsection C to read as follows:

C. Petition gathering. As used in this Charter, "petition gatherer" means any individual who is a resident of Orange County who gathers signatures in person for a county initiative petition; ~~A petition gatherer gathering signatures for a county initiative petition who is not being paid to do so shall display a badge that states the words "volunteer gatherer", in a form and manner specified by ordinance. Petition forms gathered by a paid gatherer shall contained a completed affidavit referenced in F.S. § 100.371(5), signed by the paid gatherer. The petition gatherer shall sign and verify under penalty of perjury pursuant to F.S. § 92.525(1)(c) the affidavit required on the petition form for each petition gathered by the petition gatherer. Petitions signed by an elector but not gathered by a petition gatherer shall not be required to have a completed petition gatherer's affidavit, but such petitions shall be submitted by the sponsor to the supervisor of elections with an accompanying statement signed and verified under penalty of perjury pursuant to F.S. § 92.525(1)(c), averring that such accompanying petitions were submitted by the signing elector directly to the sponsor and were not collected by a petition gatherer, and stating the month during which such petitions were received by the sponsor.~~ The motion failed by the following vote:

Aye: 3 - Member Batchelor, Member de la Portilla, Member Chira

No: 9 - Member Jackson, Member Winesburgh, Member Callan, Member Wynn, Member Hartage, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 3 - Member Arias, Member Bagga, and Member Adamson Profitt

A motion was made by Member Wynn, seconded by Member Jackson, to accept the report of the Initiative Petitions Committee as presented. The motion carried by the following vote:

Aye: 12 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Chira, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 3 - Member Adamson Profit, Member Arias, and Member Bagga

IV. Committee Meeting Updates

A. CRC-24-097 Sustainable Growth & Charter Clean Up Committee Meeting Held on March 25, 2024 (Committee Chair Grimmer)

Committee Chair Grimmer provided an update of the Sustainable Growth and Charter Clean Up Committee meeting held on March 25, 2024. The Committee examined the citizen proposed charter topic regarding Orange County conservation land and parks and if these lands can only be used for the purpose in which they were originally acquired. County staff from the Parks Department gave a presentation explaining the policy and processes for designated park land. They also discussed conservation land and will examine the GreenPlace and land conservation programs at a future committee meeting.

B. CRC-24-098 Transportation Committee Meeting Held on March 27, 2024 (Committee Chair Callan)

Committee Chair Callan provided an update on the Transportation Committee meeting. He indicated the committee is working on ballot language and is expecting to present the committee's final report at the next CRC meeting.

VI. Committee Recommendation Public Hearings (First of Two Public Hearings / Votes)

A. CRC-24-100 Initiative Petitions Committee - Consideration of the Proposed Amendment Revising the Orange County Charter Initiative Petition Process

1. Public Comment
2. CRC Discussion and Vote

CRC Chair Hartage opened the first of two public hearings regarding the Initiative Petitions Committee Report revising the Orange County Initiative process. He indicated the Initiative Petitions Committee Recommendation Report was accepted by the CRC earlier in the evening. The purpose of both scheduled public hearings is for the CRC to vote on the proposal recommendation of the Committee to be placed on the ballot for voter consideration. CRC Chair Hartage also stated tonight's scheduled public hearing was properly noticed.

The following person addressed the CRC: Mark Bender.

Discussion ensued amongst the CRC regarding amount of registered voters within the commission districts, lowering the threshold for gathered petitions, badge identification for petition gatherers, inclusion of a signed affidavit for petition gatherers, petition signature withdrawal, amending the Initiative Petitions Committee recommendations at the second public hearing. CRC Chair Hartage contributed to the discussion.

A motion was made by Member Callan, seconded by Member Grimmer, to approve the Initiative Petitions Committee proposed amendment revising the Orange County Charter Initiative Petition process. The motion carried by the following vote:

Aye: 11 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Hartage, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Absent: 4 - Member Adamson Profit, Member Chira, Member Arias, and Member Bagga

B. CRC-24-101 Governmental Structure Committee - Consideration of the Proposed Amendment Increasing the Number of Orange County Commission Districts (Orange County Comptroller Financial Impact Analysis attached)

1. Public Comment
2. CRC Discussion and Vote

Consideration began on the first public hearing for consideration of the Governmental Structure Committee's proposed amendment increasing the number of commission districts from six to eight. CRC General Counsel Vose reminded the CRC members they accepted the recommendation of the Committee at their last CRC meeting. The public hearing brought before the CRC today, is the first of two hearings in which the CRC will vote on the recommendation of the Committee to expand the commissioner districts from six to eight. CRC Chair Hartage contributed to discussion.

Committee Chair de la Portilla provided an overview of the Governmental Structure Committee's final report, originally presented at the CRC Meeting on March 18, 2024. He mentioned there have been fifteen committee meeting and the following topics have been considered: expansion of County Commission, frequency of Charter Review Commission, separation of powers, County Attorney, term limits, non-partisan elections, and the County Administrator. The Government Structure Committee will meet again on Friday, April 5, 2024, to discuss the role of the County Attorney, term limits, and non-partisan elections.

Committee Chair de la Portilla gave the reasons for the committee's recommendation for the expansion and provided an estimate of fiscal impacts associated with expanding the number of County Commission districts from six to eight. He mentioned the County Comptroller's Office also provided their required analysis and financial impact statement and noted it's similar to the Committee's proposed estimate. He further spoke on the growth of the County's budget and provided a breakdown of the population per district of the six largest counties in Florida (Miami-Dade, Broward, Palm Beach, Hillsborough, Orange, and Pinellas). He also presented an

overview of the findings and actions taken by the Governmental Structure Committee and provided a timeline of future proceedings if the committee report and final ballot language are approved.

The following person addressed the CRC: Mark Bender.

Discussion ensued amongst the members regarding expansion of commission, district population as opposed to the voting population, expanding district representation, areas within Orange County becoming their own municipality, current and future population growth per district, increasing staff levels for District Commissioners, majority and minority representation in commission districts, future population growth as a basis for district expansion, committee recommendations based upon the needs of the commission districts. CRC Chair Hartage contributed to the discussion. Discussion ensued.

A motion was made by CRC Chair Hartage, seconded by Member Grimmer, to call the question to end discussion. The motion carried by the following vote:

Aye: 11 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Wynn, Member Hartage, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 4 - Member Arias, Member Chira, Member Bagga, and Member Adamson Profit

A motion was made by Member de la Portilla, seconded by Member Riley, to advance the topic of expansion of County Commission Districts to next and second public hearing. Discussion ensued regarding scheduling the second public hearing after consideration of Orange County's transportation sales tax initiative scheduled on April 9, 2024. CRC General Counsel Vose contributed to the discussion. CRC Chair Hartage indicated the second public hearing to consider the Governmental Structure Committee proposed amendment increasing the county commission districts from six to eight is scheduled for April 29, 2024.

A motion was made by Member de la Portilla, seconded by Member Riley, to advance the topic of expansion of County Commission Districts to next and second public hearing. The motion carried by the following vote:

Aye: 10 - Member Batchelor, Member de la Portilla, Member Grimmer, Member Jackson, Member Callan, Member Wynn, Member Stoccardo, Member Riley, Member O'Neal, and Member Winesburgh

Nay: 1 - Member Hartage

Absent: 4 - Member Adamson Profit, Member Chira, Member Arias, and Member Bagga

VII. Member Comments

This item was not considered.

VIII. Adjournment

A motion was made by Member Wynn, seconded by Member Riley, to adjourn the meeting. The motion carried by the following vote:

Aye: 11 - Member Batchelor, Member Jackson, Member de la Portilla, Member Winesburgh, Member Callan, Member Wynn, Member Hartage, Member Grimmer, Member O'Neal, Member Stoccardo, and Member Riley

Absent: 4 - Member Arias, Member Chira, Member Bagga, and Member Adamson Profit

There being no further business, the meeting adjourned at 8:50 p.m.

Homer Hartage, Chair
2024 Charter Review Commission