

Orange County Government

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



Final Meeting Minutes

Wednesday, May 6, 2020

5:30 PM

Communications Media Technology

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 5:37 p.m.

Present: 14 - Member Camille Evans, Member James R. Auffant, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, 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: 1 - Member Jack Douglas

Others present:

CRC General Counsel Cliff Shepard
Deputy Clerk Katie Smith
Assistant Deputy Clerk Jessica Vaupel
Senior Minutes Coordinator Jennifer Lara-Klimetz

I. Pledge of Allegiance**II. Public Comment**

The following persons addressed the CRC for public comment:

- Sharon McBreen
- Lynette Scible
- Jessica Sullivan
- Kimberly Buchheit
- Emily Lapham
- Valerie Anderson
- Kimberly Heise
- Anh Volmer
- Jerome J Madigan

The following persons submitted written comments to the Board during public comment:

- Cynthia Baker
- Bill Beard
- Alison Beard
- Tim Janney
- Harry Hecht
- Junior McGovern
- Gloria Tyrie
- Marilyn Diaz
- Patrick Fore
- Caroline Foust
- Becky Wells

-Blue Kaufman
-Cam Abascal
-Linda Hennig
-Stacy Ford
-Belmont Murray
-Bob Turner
-Val Mobley
-Terise Robers
-Eric Gardze
-Elizabeth Tuura
-Vicki Tindall
-Shannon Normand
-Michael Johnson
-Vince
-Mary A. Nesler
-Angelene Bray
-Trina Ryan
-Rebecca Eagan
-Forest Grey Michael
-Barbara Cady
-Rachel E. Deming
-Reid Gill
-Drew Gil
-Eric Rollings
-Kathleen Fitzgerald
-Nicole Wilson

III. Chair Comments

Chair Evans addressed the CRC regarding the following:

- The next CRC regular business meeting is scheduled for May 14, 2020.
- The Final Report Work Session will be conducted during the May 29, 2020, meeting.
- The Final Report will be approved at the last CRC meeting on June 3, 2020.
- Thanked CRC staff for the work being done to ensure the work of the 2020 CRC continues to be successful and impactful during these challenging times.
- Second Reading of Subcommittee Recommendations for Split Oak.
- First Readings of Subcommittee Recommendations for Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding of Green PLACE.
- The CRC By-Laws Workgroup is currently examining the possibility of coming up with informed

by laws for inclusion in the Final Report.

IV. Subcommittee Recommendation – Second Reading and Vote

- A. CRC-20-105** Consideration of the Split Oak Subcommittee's Recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants.

Chair Evans requested Member Mims present the Second Reading of the Split Oak subcommittee's recommendation. Member Mims presented the procedural background and summary of the recommendation for Split Oak. Member Mims stated that the committee heard from many members of the public in support of providing additional protections for Split Oak and further, restrict the commissions ability to permit future commercial or residential development within the Split Oak Forest. The subcommittee reviewed and revised three proposed Ballot Titles, Summaries, and Draft Charter Amendments prepared by General Counsel Shepard, at the subcommittee's direction, and studied potential benefits and risks associated with the Charter Amendment. Member Mims provided the CRC with reasons for recommendation and arguments against the Split Oak Charter Amendment. After careful consideration, the subcommittee voted 5-0 recommending to the full CRC that the Ballot Title, Summary and proposed Charter Amendment be placed on the ballot for the 2020 election. Discussion ensued.

A motion was made by Member Santiago, seconded by Member Mims, to approve the Split Oak Subcommittee's recommendation to amend the Orange County Charter with respect to protecting Split Oak Forest by restricting Board of County Commissioners' amendment of restrictions and covenants. The motion carried by the following vote:

Aye: 10 - Member Auffant, Member Drake, Member Fauth, Member Melvin, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Suarez

Nay: 3 - Member Evans, Member Klein, and Member Wynn

Absent: 1 - Member Douglas

Recused: 1 - Member Miller

V. Subcommittee Recommendations – First Readings (Second Readings May 14, 2020)

- A. CRC-20-106** Consideration of the Citizen-Initiated Charter and Ordinance Amendment Process recommendation to amend the Orange County Charter with respect to suspending time for gathering petition signatures during mandatory reviews and setting deadline for 1% notification.

Chair Evans requested Member Smith present the First Reading of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee recommendation. Member Smith noted the subcommittee was tasked with reviewing the following considerations:

- lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and
- lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal.

Member Smith thanked General Counsel, members of the public and subcommittee members for their time, dedication, and flexibility to the work of the subcommittee. Member Smith noted Commissioner Emily Bonilla, Supervisor of Elections Bill Cowles and the League of Women Voters provided the subcommittee with historical information and insight to the Citizen-Initiated Charter and Ordinance Amendment. The subcommittee reviewed the need of the proposal and the current process that exists for citizens to be able to execute a charter amendment, enactment or repeal. The subcommittee also reviewed data, historical documents, and proposal summaries from different resources regarding lowering the petition threshold. Member Smith stated that in January the subcommittee requested authority from the full CRC to review all aspects of the current 180-day timeline limitation as it effects the petitioners ability to proceed in a timely manner with the citizen-initiated petition.

Member Smith noted the percentage threshold in gathering signatures was a daunting task. Furthermore, the review of proposals by government offices would cause further delay during which signatures could not be gathered. Therefore, the subcommittee focused on parts of the petition gathering process that would inhibit any citizen from the execution of a charter or ordinance amendment petition. Member Smith stated that the subcommittee worked to provide language for the suspension of the one hundred and eighty (180) day timeline until the offices of the Supervisor of Elections and the Comptroller are able to complete their reviews thus allowing for a full uninterrupted one hundred and eighty (180) day process for gathering petitions.

Member Smith stated that the subcommittee voted to recommend the Draft Amendment including Ballot title, and summary, with respect to the Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith read the Ballot title and summary into the record.

Chair Evans questioned whether the subcommittee members had taken a vote on the final report. Discussion ensued. General Counsel Shepard contributed to the discussion.

Member Smith, Member Miller, Member Melvin, and Member Wynn agreed to the subcommittee final report. Member Douglas was absent.

Member Stoccardo recommended the subcommittee amend Section 601 of the Charter to reflect what is required by the State's Constitution.

Member Fauth brought forth for discussion the following sentence in the proposed language:

If sufficient signatures are obtained submitted during that one-hundred-eighty-day period, the supervisor of elections shall within thirty (30) days thereafter verify the signatures thereon and submit a written report to the board.

Member Fauth questioned the word layout of 'obtained submitted.' Discussion ensued. General Counsel contributed to the discussion. Member Fauth moved to amend the motion to address the inconsistency between the words 'obtained' and 'submitted.' General Counsel Shepard stated if the amendment is approved along with the motion counsel will make the appropriate change to the language to capture the actual meaning. Discussion ensued.

Deputy Clerk Smith stated the 2016 Final Report of the Charter Review Commission struck thru the word 'obtained' and only 'submitted' was included in the Final Report. Discussion ensued. General Counsel Shepard stated he would review the 2016 ballot language and the legislative history to determine whether an amendment would be necessary for consideration during the second reading of the recommendation. Member Stoccardo seconded Member Fauth's amendment to the motion. Discussion ensued. General Counsel Shepard contributed to the discussion regarding the intent of the amendment to the motion. After further discussion the motion was agreed upon by Member Fauth and Member Stoccardo.

A motion was made by Member Smith, seconded by Member Miller, to approve the first reading on the recommendation of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee, further, approve the subcommittee final report subject to changes, if any, mandated by comparing the 2016 ballot language to Municode, and further, propose a correction consistent with the legislative history of 2016. The motion carried by the following vote:

Aye: 13 - Member Evans, Member Auffant, Member Drake, Member Fauth, Member Klein, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, Member Stoccardo, and Member Wynn

Absent: 2 - Member Douglas, and Member Suarez

B. CRC-20-107 Consideration of the Permanent Funding of Green PLACE recommendation to make no changes to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, that the CRC's final report recommend the BCC utilize current mechanisms and funding structures to acquire environmentally sensitive lands and reestablish the County's ad hoc committee for Green PLACE.

Chair Evans requested General Counsel Shepard present the First Reading of the Permanent Funding of Green PLACE subcommittee's recommendation. General Counsel Shepard stated Member Stoccardo proposed the Charter Amendment to establish permanent funding for the purchase of environmentally sensitive lands. General Counsel Shepard submitted a memo to the CRC regarding whether such action is permissible under state law. The subcommittee reviewed alternative options to encourage Orange County to use funds from any source to purchase environmentally sensitive lands for Green PLACE. The subcommittee considered information as well as arguments for and against the topic. General Counsel Shepard stated the subcommittee recommends no amendment to the Orange County Charter with respect to Permanent Funding of Green PLACE; and further, include a recommendation in the CRC Final Report that the BCC utilize current mechanisms in funding structures to acquire environmentally sensitive lands and reestablish the counties ad hoc committee for Green PLACE. Chair Evans contributed to the presentation of the recommendation. Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Miller, to approve the first reading on the recommendation of the Permanent Funding of Green PLACE subcommittee. The motion carried by the following vote:

Aye: 10 - Member Evans, Member Auffant, Member Drake, Member Melvin, Member Miller, Member Mims, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Nay: 3 - Member Fauth, Member Klein, and Member Stoccardo

Absent: 2 - Member Douglas, and Member Suarez

VI. Workgroup Update

A. CRC-20-108 CRC By Laws Workgroup Meetings Held on April 27, 2020 and May 4, 2020

Chair Evans provided an update on the CRC By-Laws Workgroup. Chair Evans stated the workgroup evaluated the possibility of creating by-laws for the CRC. During the first workgroup meeting, General Counsel Shepard and CRC staff presented a history of prior CRC procedures. Furthermore, General Counsel Shepard provided his interpretation of the enforceability of any by-laws on future CRC Boards. Chair Evans stated the by-law recommendation of the subcommittee would not be binding on future CRC Boards. The subcommittee agreed to proceed with evaluating sample by-laws from other jurisdictions and the concerns expressed by current CRC members. The subcommittee requested CRC members submit recommendations to be placed into the by-laws for inclusion in the Final Report. Chair Evans noted General Counsel Shepard compiled all the submissions into a working draft for the subcommittee to review. During the May 4th subcommittee meeting, members reviewed the working draft and provided edits to General Counsel for inclusion in the upcoming draft. The next subcommittee meeting is scheduled for May 11, 2020. Discussion ensued.

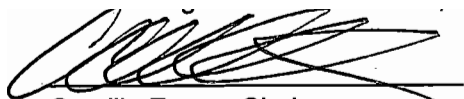
VII. New Business

Chair Evans announced the Second Readings of Subcommittee Recommendations for Citizen-Initiated Charter and Ordinance Amendment Process and Permanent Funding of Green PLACE. These readings will take place during the next CRC Regular Business meeting on May 14, 2020, at 5:30 p.m.

The CRC will conduct a Final Report Work Session during the May 29, 2020, Regular Business meeting.

The Final Report will be approved during the June 3, 2020, meeting.

There being no further business, the CRC adjourned at 8:28 p.m.



Camille Evans, Chair
2020 Charter Review Commission