

Orange County Government

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



Final Meeting Minutes

Thursday, May 14, 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 5:33 p.m.

Present: 13 - Member Camille Evans, Member James R. Auffant, Member Jack Douglas, Member Russell Drake, Member John E. Fauth, Member Matthew Klein, Member Angela Melvin, Member Jeffrey A. Miller, Member Samuel Vilchez Santiago, Member Soraya Smith, Member Lee Steinhauer, Member Eugene Stoccardo, and Member Dotti Wynn

Absent: 2 - Member Nikki Mims, and Member Anthony (Tony) Suarez

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 person addressed the CRC for public comment: Anh Volmer.

III. Consent Item

A. CRC-20-109 Approval and execution of the minutes of the April 20, 2020 meeting of the Charter Review Commission (CRC).

Member Smith questioned whether the May 6th minutes were ready for review. Chair Evans stated that due to the condensed meeting schedule, the May 6th meeting minutes would be available for review and approval at the May 29th meeting.

A motion was made by Member Drake, seconded by Member Stoccardo, to approve and execute the minutes of April 20, 2020. The motion carried by the following vote:

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

Absent: 2 - Member Mims, and Member Suarez

IV. Chair Comments

Chair Evans addressed the CRC regarding the following:

- The focus of the May 29, 2020 meeting will be the draft Final Report. Prior to the meeting, CRC members are to submit comments regarding the draft Final Report to CRC staff for distribution to CRC members and followers.

- The Final Report will be approved at the last CRC meeting on June 3, 2020.
- Thanked CRC staff for the work being done to facilitate the work of the 2020 CRC in this new environment.

V. Subcommittee Recommendations – Second Readings and Vote

- A. CRC-20-111** 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 Second Reading of the Citizen Initiated Charter and Ordinance Amendment Process subcommittee recommendation. Member Smith requested staff provide perspective regarding an adjustment within the committee recommendation as discussed during the prior meeting. Deputy Clerk Smith stated that during the May 6th meeting, Member Fauth pointed out the verbiage of the words 'obtained submitted' and further, General Counsel would be researching and reporting on the issue. Discussion ensued. General Counsel Shepard stated that Assistant County Attorney Kate Latorre confirmed the error was made on behalf of Municode and with authorization from the CRC or the County she would make the correction with Municode. General Counsel Shepard noted that Deputy Clerk Smith provided him copies of the 2016 Ballot language. Chair Evans stated no update will be required of the subcommittee final report because the typographical error being identified is in fact an administrative error that will be corrected through the administrative channels. Furthermore, General Counsel Shepard stated the CRC Final Report will transmit the language in question verbatim to the 2016 amendment language along with the changes suggested in this referendum by this committee and adopted by this body.

Member Smith presented the Second Reading of the Citizen-Initiated Charter and Ordinance Amendment Process subcommittee recommendation. All subcommittee minutes and documents are available for reference on the Comptroller's Website. The purpose of the subcommittee was to evaluate the following topics:

- 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 the subcommittee members, General Counsel, CRC staff, Commissioner Emily Bonilla, Supervisor of Elections Bill Cowles, and the League of Women Voters for taking the time to vet the topic and provide opinions and prospective. The subcommittee reviewed the needs of the proposal, presented by Member Vilchez Santiago, along with the current process, historical documents provided by the Supervisor of Elections, and the 2016 amendment language. The subcommittee evaluated the one hundred and eighty (180) day process, and identified the greatest obstacle in putting forth a citizen initiated petition. Within the one hundred and eighty (180) day process, a twenty (20) day delay was identified. Although the percent

threshold is a mathematically daunting task, the committee was focused on parts of the process that would greatly inhibit any citizen from the execution of a charter amendment or petition. Member Smith stated that upon reviewing the one hundred and eighty (180) day timeline for citizens to gather petitions, the subcommittee identified the two areas where citizens needed to wait on government offices to provide approval: The Legal Review executed by the County Procurement Office and the Financial Impact Statement facilitated by the Comptroller's Office. Ultimately, the subcommittee worked to provide language for the suspension of the one hundred and eighty (180) day timeline until those offices completed their reviews thus allowing for a full uninterrupted one hundred and eighty (180) day process for gathering petitions.

Member Smith stated that the subcommittee recommends the Draft Amendment to the Orange County Charter including Ballot title, and summary, be made with respect to the approved evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process. Member Smith reviewed the Ballot title and summary.

Member Fauth questioned the sequence of review for the language in question. Chair Evans noted that both General Counsel and the County Attorney's Office have confirmed the ballot approved by voters in 2016 had the correct language and Municode has an error in the language.

Member Stoccardo made a motion to amend Section 601 paragraphs A and B; further strike "of January 1 of the year in which the petition is initiated;" and further, replace with the following "defined by the number of people voting in the last presidential election."

Member Fauth seconded Member Stoccardo's amendment to the motion. Discussion ensued.

Member Smith requested clarification regarding the committee recommendation to Section 602 and the amendment put forth for Section 601. General Counsel Shepard provided clarification to the voting process of the main motion and the subsequent amendment. Chair Evans contributed to the discussion.

Discussion ensued. General Counsel Shepard contributed to the discussion.

A motion was made by Member Stoccardo, seconded by Member Fauth, to amend Section 601 paragraphs A and B; further, strike "of January 1 of the year in which the petition is initiated;" and further, replace with the following "defined by the number of people voting in the last presidential election." The motion failed by the following votes:

Aye 2 - Member Fauth, Member Stoccardo

Nay 11 - Member Auffant, Member Douglas, Member Drake, Member Evans, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Absent 2 - Member Mims, and Member Suarez

A motion was made by Member Smith, seconded by Member Wynn, to approve the Citizen

Initiated Charter and Ordinance Amendment Process Subcommittee 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. The motion carried by the following vote:

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

Absent: 2 - Member Mims, and Member Suarez

B. CRC-20-112 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 Second Reading of the Permanent Funding of Green PLACE subcommittee recommendation. General Counsel Shepard stated the CRC evaluated whether a study committee needed to be created for permanent funding for Green PLACE. The amendment was introduced by Member Stoccardo and the CRC tasked General Counsel Shepard to research the legality of the proposed amendment. General Counsel Shepard noted Florida Law preempts the proposed amendment. Nevertheless, the CRC established the Permanent Funding of Green PLACE subcommittee to review alternative recommendations. 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.

Discussion ensued.

A motion was made by Member Steinhauer, seconded by Member Smith, to approve the Permanent Funding of Green PLACE subcommittee recommendation to make no amendments 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. The motion carried by the following vote:

Aye: 11 - Member Evans, Member Auffant, Member Douglas, Member Drake, Member Klein, Member Melvin, Member Miller, Member Santiago, Member Smith, Member Steinhauer, and Member Wynn

Nay: 2 - Member Fauth, and Member Stoccardo

Absent: 2 - Member Mims, and Member Suarez

VI. Workgroup Update

A. CRC-20-113 CRC By-Laws Workgroup Meeting Held on May 11, 2020.

Chair Evans provided an update on the CRC By-Laws Workgroup. On Monday, May 11th the workgroup met to review the by-laws and received comments from members of the public and workgroup members. Chair Evans stated General Counsel Shepard provided an updated draft to be included in the recommendations of the draft Final Report. Chair Evan's stated the by-law recommendation of the subcommittee would not be binding on future CRC Boards. The workgroup compiled a number of procedures to help future CRC Boards be efficient and orderly with their process.

VII. New Business

Member Santiago announced he will be introducing the Split Oak Resolution during the May 29, 2020, meeting.

There being no further business, the CRC adjourned at 6:52 p.m.



Camille Evans, Chair
2020 Charter Review Commission