

**ORANGE COUNTY**

**2012 CHARTER REVIEW COMMISSION**

**FINAL REPORT**

**THE FINAL REPORT OF THE ORANGE COUNTY 2012 CHARTER REVIEW COMMISSION PROPOSING TO AMEND THE ORANGE COUNTY CHARTER TO: PROVIDE A LOCAL METHOD FOR FILLING VACANCIES IN THE OFFICES OF COUNTY COMMISSIONER AND COUNTY MAYOR WHEN AUTHORIZED UNDER FLORIDA LAW; CHANGE THE DATE UPON WHICH THE CHARTER REVIEW COMMISSION'S REPORT IS DUE; PROVIDE THAT COUNTY ORDINANCES SHALL BE EFFECTIVE WITHIN MUNICIPALITIES AND PREVAIL OVER MUNICIPAL ORDINANCES WHEN THE COUNTY SETS STRICTER MINIMUM STANDARDS FOR PROHIBITING OR REGULATING SIMULATED GAMBLING OR GAMBLING; AND PROVIDE AUTHORIZATION FOR THE CREATION OF VILLAGE ADVISORY BOARDS.**

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## **SECTION I**

### **INTRODUCTION**

This is the final report of the Orange County 2012 Charter Review Commission (“2012 CRC” or “CRC”). The 2012 CRC is an independent commission of 15 Orange County citizens empowered to conduct a comprehensive study of all aspects of Orange County’s government. The CRC is authorized to place proposed amendments and revisions to the Orange County Charter (“Charter”) on the 2012 general election ballot. Such proposed amendments do not require approval from the Board of County Commissioners.

The 2012 CRC conducted a comprehensive review of the Charter, and has chosen to place four prospective Charter amendments on the ballot for consideration by Orange County voters. The 2012 CRC reached this decision after holding numerous public hearings and after receiving testimony from county officials, staff, constitutional officers, representatives of community organizations, members of the public and other interested parties.

This report contains a summary of the approach followed and actions taken by the 2012 CRC, a discussion of the various potential Charter amendment concepts that were presented and evaluated by the CRC, a discussion of the CRC’s evaluation and decision regarding the various Charter amendment concepts, the text of the four proposed Charter amendments, as well as descriptions of the concepts and possible Charter language changes for proposals that are not being placed on the ballot.

## **SECTION II**

### **SUMMARY OF CRC ACTIONS**

**March 1, 2011 meeting:** The 2012 CRC convened, pursuant to Resolution of the Board of County Commissioners No. 2011-M-01, which formally created the 2012 CRC on January 25, 2011. None of the appointed members were elected officials. Commissioner S. Scott Boyd, as Vice Mayor, welcomed the members and thanked them for their commitment in serving on the commission. The 2012 CRC elected Commissioner Dorothy “Dotti” Wynn as its Chair, and as its Vice Chair, Commissioner Shawn G. Rader. County Attorney Jeffrey Newton discussed the purpose of the Charter Review Commission, offered organizational recommendations and reviewed legal representation information. Comptroller Martha Haynie outlined the administrative functions regarding CRC budget, staffing and office space, explanation of minutes of full Commission meetings and information about historical records of the Charter Review Commission. Assistant County Attorney Dana Crosby presented an overview of the Florida Sunshine Law and Code of Ethics as they apply to the CRC and its members. Ms. Crosby then presented an overview of legal counsel selection. A CRC general counsel committee was formed.

**April 14, 2011 meeting:** Chair Wynn presented an overview of the CRC work plan, outlining the importance of the Charter, the roles of CRC members, a plan for soliciting and reviewing issues about the Charter, plans for invited speakers, and the need for consistent attendance by CRC members. New CRC member Linda Laurendeau was introduced to the CRC, following her appointment to replace Reverend Richard King, who had to resign from the CRC for personal reasons. Carol Foglesong presented an update on the progress made to date to hire a staff person for the CRC; the Chair and Vice Chair will interview the final candidates. The CRC discussed concerns about the general counsel Request for Proposal (RFP). The CRC voted to proceed with the issued RFP and evaluate the three responses received. Invited speakers included Commissioner S. Scott Boyd and Commissioner Tiffany Moore Russell.

**May 12, 2011 meeting:** Ms. Foglesong introduced the 2012 CRC Administrative Assistant, Linda Rock, who was assigned responsibility for organizing CRC meetings and disseminating information to the public. The newly created CRC website was reviewed. The CRC selected ABA Government Consulting LLC to provide legal services to the CRC. Invited speakers included: Commissioner Fred Brummer, Commissioner Lui Damiani, Orange County Comptroller Martha Haynie, and Orange County Sheriff Jerry Demings.

**May 16, 2011 correction of Charter:** A letter was sent to Municipal Code Corporation in Tallahassee, Florida, indicating that two typographical errors had been identified by CRC members in the Charter as follows:

Section 206 B, last sentence:

FROM: "... he or she is replacing ~~for~~ longer than..."

TO "...he or she is replacing or longer than..."

Section 302 B2, 3rd line:

FROM "...by the county ~~major~~, if..."

TO "...by the county mayor, if..."

These corrections were verified and made to the codified Charter as of July 2011.

**May 31, 2011 attorney resignation:** The selected CRC attorney, Bryant Applegate of ABA Government Consulting LLC, gave notice of his withdrawal from his position as CRC attorney.

**June 9, 2011 meeting:** New CRC member Pinkie Freeman was introduced to the CRC, following her appointment to replace Ella Gilmore, who resigned from the CRC. The CRC voted to issue a revised RFP to select a new CRC attorney. Invited speakers included: Commissioner Jennifer Thompson, Commissioner Ted Edwards, Supervisor of Elections Bill Cowles, Property Appraiser Bill Donegan, and Clerk of Courts Lydia Gardner.

**CRC General Counsel RFP:** A revised RFP for the CRC General Counsel was issued on July 8, 2011, and proposals were received until July 27, 2011. After the appointed committee reviewed and rated the 12 submitted proposals, the Vose Law Firm received the highest score and was recommended to the full CRC.

**July 13, 2011 meeting:** An update on progress of the revised CRC General Counsel RFP was presented. A discussion of CRC member and general public suggestions for Charter changes took place. Five committees were appointed to consider the various proposals. The CRC agreed to begin holding public hearings in each of the BCC commissioner districts beginning in September 2011.

**August 11, 2011 meeting:** A schedule for future CRC meetings and public hearings was reviewed and approved. The CRC chose the Vose Law Firm as the 2012 CRC general counsel. (A contract was signed on August 26, 2011.) Invited speakers included Assistant Tax Collector Kelly Goodwin, Deputy County Administrator Linda Weinberg, Deputy City Administrative Officer Kevin Edmonds, Felony Bureau Chief Joe Cocchiarella, and BCC Planning Division Manager Susan Caswell.

**September 7, 2011 meeting:** Public hearings have been scheduled in Districts 1 – 4. CRC General Counsels Wade Vose and Becky Vose were introduced. Mr. Vose presented an overview of the Sunshine Law regarding the decision-making process and communication of the CRC members with each other, the public and the media.

County Mayor Teresa Jacobs thanked the members of the CRC for their hard work and deliberations. Several CRC committees presented reports on their activities to date. Orange County Sheriff Jerry Demings and Eric Dunlap, Assistant General Counsel, County Sheriff's Office, contributed to the discussion regarding the Citizen's Review Board.

**October 13, 2011 meeting:** The CRC adopted a procedural rule stating that anyone who wants the CRC to consider an amendment to the charter should submit the request in writing, including the proposed revision language to the Charter. The Consolidation of Constitutional Officers Committee presented a report recommending that there be no further consideration of consolidating such offices or bringing them under the Charter, with the exception of the Tax Collector's Office. The Consolidation of Services Committee presented a report indicating its focus on water services; the name of the committee was changed to Water Resource Management Committee.

**November 10, 2011 meeting:** The CRC approved the recommendation of the Consolidation of Constitutional Offices Committee that the Tax Collector remain a constitutional office, rather than charter office. The CRC agreed to take no further action on changing the method of appointing members to the CRC and the Redistricting Advisory Committee (RAC).

**December 8, 2011 meeting:** The CRC voted against the recommendation of the Voluntary Salary Reduction Committee to place a question on the ballot amending Sections 205 and 302 providing voluntary salary reduction language.

**January 12, 2012 meeting:** There were reports from several committees, but no actions taken by the CRC.

**February 9, 2012 meeting:** The CRC accepted the recommendation of the Water Resources Management Committee that no further action be undertaken. There were reports from several other committees.

**March 8, 2012 meeting:** The CRC voted against the recommendation of the Number of County Commissioners Committee to place a question on the ballot to increase the number of county commissioners from six to eight. The CRC voted to accept the recommendations of the Simulated Internet Gambling Committee and place those recommendations on the 2012 ballot.

**April 12, 2012 meeting:** The CRC voted to place on the ballot provisions for countywide election of the Mayor within 120 days after a vacancy is created and to have County Commissioners elected at the next available county election after a vacancy is created. The CRC voted not to create a new Citizens Review Board. The CRC voted not to place on the ballot a change in the 4-year cycle of CRC existence. The CRC voted to place on the ballot a wording change on when the CRC's final report is due. The CRC voted to place on the ballot the ability to form Village Advisory Boards in unincorporated areas. The CRC members voted to include a recommendation in its

final report that regular review of all advisory boards is a responsibility of the Board of County Commissioners.

**May 10, 2012 meeting:** The CRC reviewed a draft of its final report and agreed upon changes.

**May 24, 2012 meeting:** The CRC met to hear a report on the opinion handed down by the Florida Supreme Court on May 10, 2012 (*Telli v. Broward County*) and to consider whether to place on the ballot a question imposing term limits on one or more constitutional officers. After discussion and public comment by the constitutional officers and others, the CRC voted to cease further consideration of this issue.

**June 14, 2012 meeting:** The CRC will meet to approve and sign its final report and to consider voter outreach materials and plans.

**Proposed Charter Changes:** Throughout the term of its work, the 2012 CRC compiled a list of all proposed Charter amendment ideas or concepts, regardless of their source, for discussion and evaluation. The sections of the Charter potentially affected by the various suggestions for change were identified. Various committees were established to consider the proposed changes. All parties were urged to put their suggestions/ideas in writing. CRC Administrative Assistant Rock kept a running tally of all ideas and concepts.

**Public Hearings:** Following the practice of prior CRCs, public hearings were held at locations throughout Orange County, with one in each Commission District. Public hearings were scheduled to give citizens an opportunity to address the CRC with their concerns in their “backyards.” Opportunities for public comment were also offered at most monthly CRC meetings held in the BCC Chambers. Section 702 of the Charter requires that no less than four public hearings be held prior to placing proposed Charter revisions and amendments on the ballot. The public hearings in the six Commission districts fulfilled this requirement. Attached as Appendix A is a table of the 2012 CRC Meetings and Public Hearings held during this CRC cycle.

From March 1, 2011, through June 14, 2012, the 2012 CRC held a total of 42 meetings, including 17 regular monthly business/full CRC meetings, 25 committee meetings, and six designated and advertised public hearings.

## **SECTION III**

### **PROPOSED CHARTER AMENDMENT CONCEPTS**

The 2012 CRC heard from a number of elected officials and members of the public who recommended or suggested a variety of charter amendment concepts. Concepts were assigned to interested CRC members for further research and evaluation. This section of the Final Report contains a summary of each of those proposals along with the final action taken on each measure by the 2012 CRC.

#### **A. Articles II & III Proposals**

##### **1. Local Officials Replacement Committee**

***Proposal Summary:*** CRC members discussed a different process to select a replacement for a County Commissioner or Mayor who leaves office before end of term. Currently, such replacements are made by the governor, but a number of the CRC members felt the replacement decision should be made locally. CRC's legal counsel advised the CRC that an amendment to the Florida Constitution would be required to permit a charter county to change the existing replacement process. The committee decided to draft provisional charter language that would take effect if the Florida constitution is amended to change the replacement procedure.

##### ***Final Action – Approved***

The CRC voted to put on the ballot language to have the Mayor elected by special election within 120 days after the vacancy. Although a special election is more costly than waiting until the next county election, the majority of the CRC believed that the Mayor's role is too important to wait more than 120 days. Regarding County Commission vacancies, the CRC voted to have such vacancies filled by appointment until the next general election. Finally, the CRC voted that a suspended office be filled by appointment by a majority plus one vote of the Board of County Commissioners for the period of suspension.

##### **2. Increase the Number of County Commissioners**

***Proposal Summary:*** One of the first proposals reviewed by the 2012 CRC was to increase the number of County Commissioners from six to eight to accommodate increases in Orange County's population. The committee agreed to research the issue and reviewed multiple alternatives. The committee's recommendation was to increase the number of commissioners from six to eight, with the seats to be implemented for the 2016 election, and implementing language was offered amending Sections 202, 203 and 204 of the Charter.



***Final Action – Rejected***

The CRC voted against the committee recommendation to place a question on the ballot to change the number of county commissioners.

**3. Voluntary Salary Reduction of County Commissioner Salaries**

***Proposal Summary:*** The committee researched options for voluntary salary reduction by Orange County Commissioners and proposed implementing language changes. The committee recommended that the CRC approve placing the voluntary salary-reduction proposal on the ballot.

***Final Action – Rejected***

The CRC voted against the committee recommendation to place a question on the ballot to change the language of Sections 205 and 302 of the Charter to allow voluntary salary reductions.

**4. Commissioners Full-Time**

***Proposal Summary:*** A member of the public proposed that the Charter be changed to require County Commissioners to serve “full-time” rather than: “shall only devote such time as is necessary to perform the legislative responsibilities of their office.” No definition of “full-time” or other details were offered.

***Final Action – None Taken***

No CRC member sponsored this issue. Therefore no changes to this section of the Charter were drafted or considered.

**B. Article IV Proposals**

**5. Change Method of Appointing CRC and RAC Committee Members**

***Proposal Summary:*** The proposal sought to ensure a more open and accessible process for appointments to future CRCs and RACs.

***Final Action – None Taken***

The CRC agreed that CRC and RAC appointments are covered by Orange County Code Sections 2-201 through 2-212. Any change in that process should be made by revising the Orange County Code rather than by revising the Charter. Thus, no changes to this section of the Charter were drafted or considered.

**6. Establish Requirement for Review of all BCC Advisory Boards and the Appointment of Members**

**Proposal Summary:** Members of the public proposed that a Charter amendment be added requiring a periodic BCC review of all advisory boards and how members to such advisory boards are appointed. Such a review would be similar to that undertaken by the League of Women Voters in 1990 and 1991.

**Final Action – None Taken**

The CRC agreed that advisory boards and appointments to such committees are the responsibility of the Board of County Commissioners (BCC). They agreed to include a recommendation in this report requesting the BCC to consider undertaking such an in-depth review.

**C. Article V Proposals**

**7. Village Advisory Board**

**Proposal Summary:** Members of the public proposed a Charter amendment to establish unincorporated “villages.” CRC Attorney Vose provided clarifying wording so that, upon petition and approval by referendum election, an unincorporated village with an appointed Village Advisory Board could be created in a U.S. Census Designated Place (CDP) with a population exceeding 25,000. He noted that the 2010 U.S. Census identified four CDPs in Orange County with a population exceeding 25,000 (Alafaya, Meadow Woods, Pine Hills, and University).

**Final Action – Approved**

The CRC voted to put on the ballot a proposal providing for the formation of unincorporated villages with Village Advisory Boards.

**D. Article VII Proposals**

**8. Consolidation of Constitutional Offices**

**Proposal Summary:** The committee had questions regarding the budgets of each of the constitutional offices and wanted to determine if consolidating those offices would offer budgetary benefits and, specifically, what the impact would be on the General Revenue Fund. Following investigation and discussion, the committee concluded that the impact of any changes on the county’s General Fund was minimal and it was not worth pursuing consolidation of these offices. Further exploration of combining the offices of Orange County Sheriff and the BCC Corrections Department indicated that there appeared to be no material, financial or operational-efficiency benefits that justified pursuing this topic further.

***Final Action – Approved***

The CRC voted to accept the committee’s recommendation and eliminate any further consideration of consolidating or changing constitutional offices.

**9. Term Limits for Constitutional Officers**

***Proposal Summary:*** The Florida Supreme Court ruled in *Telli v. Broward County*, No. SC11-1737 (Fla. May 10, 2012) that county charters could impose term limits on constitutional officers. A special meeting of the CRC was set for May 24, 2012, to consider this ruling and its implications.

***Final Action – None Taken***

The CRC voted to cease further consideration of this issue.

**10. CRC Frequency/Timing of CRC Report**

***Proposal Summary:*** The CRC considered whether to amend the frequency with which the CRC meets from four years to six, eight, or 10 years. The committee made two recommendations. First, it recommended that the CRC frequency be changed to once every six years. Second, the committee recommended a change requiring the CRC final report be delivered by the statutory deadline for qualifying for election to county office.

***Final Action – Rejected***

The CRC voted against the committee recommendation to place a question on the ballot changing the CRC cycle to six years.

***Final Action – Approved***

The CRC voted to accept the committee recommendation to place on the ballot a wording change specifying that the CRC final report due date match the deadline for qualifying for election to county office.

**11. Simulated Gambling**

***Proposal Summary:*** The committee recommended an amendment to provide that county ordinances concerning simulated gambling and gambling would be effective within municipalities and prevail over municipal ordinances to the extent county ordinances set stricter minimum standards for prohibiting or regulating simulated gambling or gambling.

***Final Action – Approved***

The CRC voted to accept the committee recommendation to place a question on the ballot regarding adding this provision to the Charter.

**12. School Capacity.**

**Proposal Summary:** Section 704.B.2 of the Charter requires that a question regarding school capacity be placed on the November 2012 ballot. The Board of County Commissioners informed the CRC that it intends to place this item on the 2012 ballot. A notice of public hearing for June 19, 2012 has been issued and is included as Appendix C.

**Final Action – None Taken**

No further action was required by the CRC.

**E. Article VIII Proposals**

**13. Delete Section 801 of the Charter**

**Proposal Summary:** On May 29, 2009, the Florida Fifth District Court of Appeal published its decision (*Demings v. Orange County CRB*) that the current Citizen Review Board was unconstitutional. On August 12, 2009, the trial court entered its Final Summary Judgment After Remand, ordering and adjudging that Section 801 of the Charter and its enabling ordinance “are void and are hereby stricken.” A proposal was made to place the deletion of Section 801 of the Charter on the ballot.

**Final Action – None Taken**

CRC Attorney W. Vose advised that placing removal of this section on the ballot was unnecessary due to the final summary judgment entered in *Demings*. He further stated that Section 801 language could be removed or appropriately footnoted with Municode without placing an item on the ballot. CRC Attorney Vose communicated the substance of this issue to the county attorney’s office. On May 24, 2012, the County Attorney’s Office sent a letter to Municode requesting that a footnote be added to the Charter at Section 801. A copy of that letter is included as Appendix D.

**14. Create New Citizen Review Board**

**Proposal Summary:** The committee considered a Charter amendment that would create a new Citizen Review Board that would not encroach upon the Sheriff’s constitutional independence. After discussion at several committee meetings and language drafted by CRC Attorney Vose, the committee recommended that a ballot question be added to create a new Citizen Review Board.

**Final Action – Rejected**

The CRC voted against the committee recommendation to place a question on the ballot to create a new Citizen Review Board.

F. **Article IX Proposals**

15. **Consolidation of Services**

***Proposal Summary:*** The committee researched ways to consolidate services between the county and the cities to create efficiencies and cost savings. The 2006 Consolidation of Services Study Commission report identified efficiencies and benefits from consolidating services. The committee considered whether a technical study and further consideration of efficiencies might be appropriate. The committee decided that without the ability to compel all municipalities in Orange County to comply with the recommendations from such a study, no further effort to pursue a county-wide study made sense.

***Final Action – Approved***

The CRC voted to accept the committee’s recommendation to eliminate any further consideration of consolidating county and city services.

16. **Water Resources Management Committee**

***Proposal Summary:*** Although the CRC decided to forgo further exploration of consolidating multiple government services, a Water Resources Management Committee was formed to focus specifically on water. An invitation was sent to all municipalities to attend the November 14, 2011, committee meeting to examine the benefits of creating, in the Charter, a water-resource study commission that would investigate combining the drinking water, waste water, and reclaimed water resources from throughout Orange County, including all municipalities and the Orlando Utilities Commission. The committee received responses from OUC, Orange County Utilities, Orlando Wastewater, City of Apopka Public Services, City of Orlando Public Works, and Town of Windermere, either verbally or in writing.

***Final Action – Approved***

Since it is not legally feasible to require the implementation of any study’s results or force consolidation, the committee recommended that the CRC not place a question on the ballot. The CRC voted to accept the recommendation of the committee.

**17. Section 901, Consolidation of Services Study Commission**

***Proposal Summary:*** The Consolidation of Services Study Commission (CSSC) completed its work in 2006. It was recommended that this section be eliminated from the Charter.

***Final Action – None Taken***

Rather than eliminating this section, it is the recommendation of the CRC that the County Attorney's Office consider adding a footnote to Section 901 to indicate that the CSSC met and completed its work, and that no further consideration is warranted. The 2016 CRC could move to strike and reserve this section.

**SECTION IV**  
**AMENDMENTS APPROVED BY THE 2012 CHARTER**  
**REVIEW COMMISSION TO BE VOTED ON THE**  
**2012 GENERAL ELECTION**

**QUESTION #1**

**A. Introduction**

In the event the Florida Constitution and laws are amended giving the County the ability to fill vacancies in County offices, this charter amendment would provide a process to replace a Commissioner or Mayor who leaves office before the end of his or her term.

**B. Ballot Proposal:** The ballot title and question for Question #1 are as follows:

LOCAL METHOD FILLING VACANCIES IN OFFICE  
OF COMMISSIONER AND MAYOR WHEN  
AUTHORIZED UNDER FLORIDA LAW

Shall the Orange County Charter be amended to prescribe, when authorized under Florida law, a method for locally filling offices of Commissioner and Mayor during vacancy or suspension, providing generally for appointment by the Board of County Commissioners to fill vacant and suspended offices until the next general election, and for special election to fill the vacant office of Mayor where the Mayor's remaining term exceeds one year? Financial impact: special election cost for Mayor.

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**C. Text Revisions:** Section 206 of the Orange County Charter is amended to add a Subsection C, Section 302 of the Orange County Charter is amended to add a Subsection E, and Section 214 of the Orange County Charter is created, all to read as follows:

Sec. 206. Vacancies; incapacity or absence due to military service.

C. Filling Vacancies When Permissible under Florida Law. If and to the extent that it should become lawful under the Constitution and laws of the State of Florida for this charter to prescribe a method for filling vacancies in the office of county commissioner, this subsection shall immediately become effective.

Strikethrough = deleted language  
Underline = added language

If a vacancy occurs in the office of county commissioner and the remainder of the term of office is one year or less, then such vacancy shall be filled for the remainder of the term by appointment by a majority vote of the board of county commissioners.

If a vacancy occurs in the office of county commissioner and the remainder of the term of office exceeds one year, then such vacancy shall be filled by appointment by a majority vote of the board of county commissioners, until the date set for the commencement of the term of office for county commissioners following the next general election pursuant to Section 204 of this charter. The board of county commissioners shall call a special election, to be held concurrent with the next county election cycle, to fill the vacancy for the remainder of the term of office.

#### Sec. 302. County Mayor

E. Filling Vacancies When Permissible under Florida Law. If and to the extent that it should become lawful under the Constitution and laws of the State of Florida for this charter to prescribe a method for filling vacancies in the office of county mayor, this subsection shall immediately become effective.

If a vacancy occurs in the office of county mayor and the remainder of the term of office is one year or less, then such vacancy shall be filled for the remainder of the term by appointment by a majority vote of the board of county commissioners.

If a vacancy occurs in the office of county mayor and the remainder of the term of office exceeds one year, then such vacancy shall be filled by a special election. The board of county commissioners, after first consulting with the supervisor of elections, shall by resolution fix the time period for candidate qualifying, the date of the election, and the date of any runoff election. The date of the election shall be a date no later than one hundred twenty (120) days after the occurrence of the vacancy. There shall be a minimum of thirty (30) days between the close of qualifying and the date of the election, and a minimum of thirty (30) days between the election and any runoff election.



Sec. 214. Filling Offices During Suspensions When Permissible under Florida Law.

If and to the extent that it should become lawful under the Constitution and laws of the State of Florida for this charter to prescribe a method for filling the office of county commissioner or county mayor during a period of suspension by the Governor pursuant to Article IV, Section 7 of the Florida Constitution, then such office shall be filled by appointment for the period of suspension, by a vote of a majority plus one of the board of county commissioners.

- D. Financial Analysis and Impact:** Based on information provided by the Supervisor of Elections Office, the Comptroller's Office estimates there will be no additional cost for election of a county commissioner at the next county election. Further, the Supervisor of Elections Office provided information indicating that the cost of a countywide special election for Mayor is estimated at \$3.60/registered voter, or approximately \$2,260,000. This election cost information was provided by the Supervisor of Elections Office on February 20, 2012, based on a total of 628,478 registered voters in Orange County and election laws in effect on that date.

**QUESTION #2**

**A. Introduction**

In order to meet business requirements of the Supervisor of Elections, this charter amendment would change the date on which the final report and ballot language are delivered to the Clerk of the Board of County Commissioners to no later than the last day for qualifying for election to county office under general law.

**B. Ballot Proposal:** The ballot title and question for Question #2 are as follows:

COUNTY CHARTER AMENDMENT CHANGING  
DUE DATE OF CHARTER REVIEW COMMISSION'S  
REPORT

Shall the Orange County Charter be amended to change the due date of the Orange County Charter Review Commission's report to a date no later than the last day for qualifying for election to county office? No financial impact.

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**C. Text Revisions:** Section 702 of the Orange County Charter is amended to read as follows:

Sec. 702. Charter review commission.

- A. A Charter review commission shall be appointed by the board. The Charter review commission shall consist of not less than eleven (11) members and not more than fifteen (15) members. All members of the Charter review commission shall be electors of the county. No elected official shall be appointed as a member of the Charter review commission.
  
- B. The Charter review commission shall be empowered to conduct a comprehensive study of any or all phases of county government. The Charter review commission shall be appointed no later than February 1, of the year prior to a presidential election year and shall adjourn sine die no later than the Monday following that election. A Charter review commission will be appointed on a four-year cycle. A Charter review commission may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the board of county commissioners no later than the last day for qualifying for

Strikethrough = deleted language  
Underline = added language

~~election to county office under general law. at least sixty (60) days prior to the election.~~ The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The Charter review commission shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis. The Charter review commission shall include a summary of the analysis or financial impact statement on the ballot language for any proposed changes to the Charter. Such amendments or revisions do not require the approval of the board.

- C. The Charter review commission shall hold no less than four (4) public hearings prior to presenting proposed Charter revisions and amendments to the public.
- D. The Charter review commission shall create and elect appropriate officers as it deems necessary and proper for the orderly conduct of its specific duties.
- E. The board shall defray any reasonable expenses of the Charter review commission.

D. **Financial Analysis and Impact:** This amendment would only change the due date of the CRC's report. Therefore, the Comptroller's Office estimates that this amendment will have no financial impact.

**QUESTION #3**

**A. Introduction**

This charter amendment would provide language in Section 704 that county ordinances concerning simulated gambling and gambling would be effective within municipalities and prevail over municipal ordinances to the extent that such county ordinances set stricter minimum standards for prohibiting or regulating simulated gambling or gambling.

**B. Ballot Proposal:** The ballot title and question for Question #3 are as follows:

EFFECT WITHIN MUNICIPALITIES OF COUNTY  
ORDINANCES CONCERNING SIMULATED  
GAMBLING OR GAMBLING

Shall the Orange County Charter be amended to provide that Orange County ordinances shall be effective within municipalities and prevail over municipal ordinances when Orange County sets stricter minimum standards for prohibiting or regulating simulated gambling or gambling? Financial impact: no county impact; impact cannot be determined for municipalities and citizens.

\_\_\_\_\_ Yes  
\_\_\_\_\_ No

**C. Text Revisions:** Section 704 of the Orange County Charter is amended to read as follows: †

Sec. 704. Conflict of county ordinances with municipal ordinances; preemption.

A. Except as provided in this section, no county ordinance shall be effective within a municipality if the municipality maintains an ordinance covering the same subject matter, activity or conduct as the county ordinance.

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† It is anticipated that the Board of County Commissioners, pursuant to its authority under Section 701 of the Orange County Charter, and pursuant to the requirements of Section 704, Subsection B, Paragraph 3 of the Orange County Charter, will be submitting to the voters another proposed amendment to Section 704 of the Orange County Charter. It is the understanding and intent of the Charter Review Commission that these two proposed amendments are separate and independent of one another and neither is intended to modify or vary the legal effect of the other. To further clarify, the only amendments proposed by the Charter Review Commission to Section 704 are those words indicated in strikethrough and underline, and the restatement of the balance of the section is not intended as a reaffirmation of the restated language.

Strikethrough = deleted language  
Underline = added language

- B. County ordinances shall be effective within municipalities and shall prevail over municipal ordinances when:
1. The county sets minimum standards for (a) regulating adult entertainment, and (b) protecting the environment by prohibiting or regulating air or water pollution, and (c) prohibiting or regulating simulated gambling or gambling, but only to the extent that such minimum standards are stricter than the applicable municipal standards.
  2. The county ordinances provide that the county's and any municipality's rezonings or comprehensive-plan amendments (or both) that increase residential density are effective only upon approval by the governing boards of all significantly affected local governments when:
    - (a) The attendance zone for any public school to be affected by the increase in residential density lies only partly inside a municipality; and
    - (b) The school district cannot certify to the governing boards of all significantly affected local governments that the school, the attendance zone for which straddles a municipal boundary, can accommodate the additional students that will result from the increase in residential density.

The ordinance shall provide that the above-described rezonings and comprehensive-plan amendments take effect only upon approval of each significantly affected local government, whether the county or any municipality therein. The ordinance may include exceptions for *de minimis* impacts to the affected school(s) and such terms, requirements, limitations, exceptions, and other provisions that may be necessary or useful to protect property rights, comply with applicable law, and carry out the intent and purposes of this subsection.

Should a court of competent jurisdiction hold, after all appeals, that the ordinance does not afford the municipalities in the same opportunity as the county to approve or deny the aforementioned comprehensive-plan amendments and rezonings when they are significantly affected local governments, the ordinance shall terminate and be of no further force and effect. This paragraph 2 shall be offered to the electors for re-approval at referendum at the General Election in 2012. If not re-approved by the electors, this

paragraph 2 and the corresponding reference in subsection C shall stand repealed as of January 1, 2013.

- C. The intent of this section is that no person within a municipality shall be governed simultaneously by two sets of ordinances covering the same subject matter, activity or conduct, except in matters of minimum adult-entertainment standards, or pollution regulatory standards, or simulated gambling or gambling prohibitions or standards, or rezoning or comprehensive-plan amendments that affect public schools with attendance zones that straddle any municipal boundary. In absence of an ordinance within a municipality on a subject, the county ordinance on that subject shall govern.
- D. **Financial Analysis and Impact:** The Comptroller's Office estimates there will be no county financial impact from this change. It calls for no increased or decreased revenues or costs to the county. Financial impacts to municipalities and citizens, including possible lost tax or fee revenue from simulated gambling, are speculative and therefore cannot be determined.

**QUESTION #4**

**A. Introduction:**

This charter amendment would establish Section 504 of the Orange County Charter, authorizing the designation of unincorporated "Villages" with appointed Village Advisory Boards upon petition and approval at referendum by the electors of a U.S. Census Designated Place (CDP) with population exceeding 25,000.

**B. Ballot Proposal:** The ballot title and question for Question #4 are as follows:

COUNTY CHARTER AMENDMENT  
AUTHORIZING DESIGNATION OF UNINCORPORATED VILLAGES  
AND CREATION OF VILLAGE ADVISORY BOARDS

Shall the Orange County Charter be amended to provide that, upon petition and approval at referendum by the electors of an unincorporated US Census Designated Place with population exceeding 25,000, such area shall be designated an unincorporated "village," with an appointed village advisory board having such powers, duties, and functions as set forth by charter and ordinance? Annual financial impact: approximately \$31,000 per board.

\_\_\_\_ Yes  
\_\_\_\_ No

**C. Text Revisions:** The title of Article V of the Orange County Charter is amended, and Section 504 of the Orange County Charter is created, to read as follows

**ARTICLE V**

**PLANNING AND ZONING COMMISSION ~~AND,~~  
BOARD OF ZONING ADJUSTMENT AND VILLAGE ADVISORY BOARDS**

**Section 504. Unincorporated Villages and Village Advisory Boards.**

A. *Creation.* Upon petition and approval at referendum by the electors residing within the boundaries of an unincorporated U.S. Census Designated Place (CDP) with a total population at the most recent U.S. Census exceeding 25,000, the area comprising the CDP shall be designated as an unincorporated "village," and a village advisory board for the village shall be created. The membership of a village advisory board shall be determined by the board of county commissioners. A village advisory board shall have such powers, duties,

Strikethrough = deleted language  
Underline = added language

functions, and operations as set forth in this section and by ordinance; provided, however, that the role of a village advisory board shall remain at all times advisory in nature, and review by a village advisory board is not intended to function as a legal prerequisite to any permits or approvals of any kind or to otherwise replace, supersede or delay any binding decision-making process.

B. *Functions, powers, and duties of a village advisory board.* In the absence of an ordinance specifying, modifying, or limiting the functions, powers, or duties a specific village advisory board, a village advisory board shall:

- (1) Consider and advise the board of county commissioners as to the needs and priorities of the village which it serves;
- (2) Cooperate with, consult, assist and advise any public officer, agency, local administrators of agencies or legislative bodies with respect to any matter relating to the welfare of the village and its residents;
- (3) Hold public hearings with respect to any matter relating to the welfare of the village and its residents;
- (4) Assist county departments and agencies in communicating with and transmitting information to the people of the village;
- (5) Cooperate with the boards of other villages with respect to matters of common concern;
- (6) Assist from time to time in the preparation of special purpose plans for growth, improvement and development of the village;
- (7) Prepare and submit to the board of county commissioners, on or before a date established by ordinance, an annual report and statement of village needs, including a brief description of the village, the village advisory board's assessment of its current and probable future needs (including its budgetary needs), and its recommendations for programs, projects or activities to help meet those needs;
- (8) Consult with agencies on the capital needs of the village and review departmental estimates;
- (9) Conduct public hearings and submit recommendations and priorities to the board of county commissioners or other applicable agencies on the allocation and use within the village of any



applicable funds earmarked for community development and/or improvement activities;

(10) To the extent not inconsistent with general law, assist in the planning of individual capital projects to be located in the village; and

(11) Within the budgetary appropriations for such purposes, disseminate information about county services and programs, process complaints, requests and inquiries of residents of the village.

C. *Boundaries.* The initial boundaries and area of an unincorporated village created pursuant to this section shall consist of and be coextensive with the boundaries and area of its corresponding CDP, as defined by the United States Census Bureau, in effect at the time of the designation of an unincorporated village. The boundaries and area of an unincorporated village are not automatically modified by a subsequent change in the boundaries or area of its corresponding CDP by the United States Census Bureau. The board of county commissioners may, by ordinance, modify the boundaries and area of an unincorporated village.

D. *Number and Source of Petition Signatures.* A petition seeking to designate an unincorporated village shall be signed by three (3) percent of the county electors residing within the boundaries of the CDP proposed to be designated an unincorporated village, as of January 1 of the year in which the petition is initiated.

E. *Petition Procedure.* The sponsor of a petition to designate an unincorporated village shall, prior to obtaining any signatures, submit the text of the proposed petition to the supervisor of elections, with the form on which signatures will be affixed, and shall obtain the approval of the supervisor of elections of such form. The style and requirements of such form shall be specified by ordinance. The beginning date of any petition drive shall commence upon the date of approval by the supervisor of elections of the form on which signatures will be affixed, and said drive shall terminate one hundred eighty (180) days after that date. The sponsor shall submit signed and dated forms to the supervisor of elections, who shall within thirty (30) days thereafter verify the signatures thereon. If sufficient signatures are obtained, submitted, and verified during that one-hundred-eighty-day period, the supervisor of elections shall submit a certification to the board. If sufficient signatures are not obtained, submitted, and verified during that one-hundred-eighty-day period, the petition drive shall be rendered null and void and none of the signatures may be carried over onto another identical or similar petition.

F. *Referendum.* Within thirty (30) days after the requisite number of signatures have been verified by the supervisor of elections and reported to the board, the board shall, by resolution, call a referendum on the question of the designation of an unincorporated village, to be voted on by the electors residing within the boundaries of the CDP proposed to be designated an unincorporated village, to be held at the next primary, general or special election occurring at least forty-five (45) days after the adoption of such resolution. If the question of the designation of an unincorporated village is approved by a majority of those electors voting on the question, the proposed unincorporated village shall be designated and its village advisory board created pursuant to section 504(A), effective January 1 of the succeeding year.

**G. Financial Analysis and Impact:** Based upon information received from the County Neighborhood Preservation and Revitalization Division and a review of medium-sized advisory boards already in existence, the Comptroller's Office estimates the annual cost for a Village Advisory Board to be approximately \$31,000 annually. The 2010 U.S. Census identified four (4) CDPs in Orange County with a population exceeding 25,000 (Alafaya, Meadow Woods, Pine Hills and University). Subsequent US Censuses may identify additional or fewer qualified CDPs.

**SECTION V**  
**CHARTER TEXT REVISIONS DRAFTED**  
**BY COMMITTEES OF THE 2012 CRC**  
**BUT NOT APPROVED BY THE FULL CRC**  
**FOR PLACEMENT ON THE BALLOT**

1. **Number of County Commissioners**

**ARTICLE II**

**LEGISLATIVE BRANCH: BOARD OF COUNTY COMMISSIONERS**

**Sec. 201. - Board of county commissioners.**

The legislative branch of Orange County shall be the board of county commissioners, composed of the county mayor and the county commissioners.

**Sec. 202. - Commission districts.**

- A. Prior to the adoption of the redistricting plan referenced in Section 202(B) of the Charter, there shall be six commission districts of contiguous territory as nearly equal in population as practicable. These districts shall be reconsidered after each decennial census and adjusted by the board after one or more public hearings.
- B. In January, 2015, the Board shall appoint a Redistricting Advisory Committee composed of fifteen residents of the County, with each Commissioner selecting two individuals, and the Mayor selecting three individuals, to serve on the Committee. The Committee shall submit to the Board by October 1, 2015, a proposal for redistricting the County into eight Commission districts of contiguous territory as nearly equal in population as practicable. The Board shall then adopt a redistricting plan not later than January 1, 2016. The redistricting plan shall designate six of the eight commission districts as successor districts to the prior six commission districts. Commissioners in office upon the adoption of the redistricting plan shall continue in office until the normal expiration of their terms. The redistricting plan shall also designate which of the two districts not designated as successor districts will have an initial abbreviated term pursuant to Section 204(c) of the Charter.

- C. Subsequent to the adoption of the redistricting plan referenced in Section 202(B) of the Charter, there shall be eight commission districts of contiguous territory as nearly equal in population as practicable. These districts shall be reconsidered after each decennial census and adjusted by the Board after one or more public hearings.

**Sec. 203. - Structure of board.**

- A. Prior to the adoption of the redistricting plan referenced in Section 202(B) of the Charter, theThe number of commissioners shall be six with each member elected from single member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.
- B. Subsequent to the adoption of the redistricting plan referenced in Section 202(B) of the Charter, the number of commissioners shall be eight with each member elected from single member districts and a county mayor elected county-wide. Each commissioner shall be a registered voter of and resident of the particular district he or she represents at the time of election to office and throughout the term of office.

**Sec. 204. - Terms of county commissioners.**

- A. Commissioners shall be elected for terms of four years. Elections shall be staggered so that ~~three~~ half of the total number of commissioners will be elected every two years. The terms of office for the commissioners shall commence either on the second Tuesday following the general election or, if not inconsistent with general law, on such later date as set by ordinance, but in no case later than the first Tuesday after the first Monday in January following the general election.
- B. A county commissioner who has held the same commission district office for the preceding two full terms is prohibited from appearing on the ballot for re-election to that office.
- C. The commissioner elected to the commission district designated to have an initial abbreviated term in the redistricting plan pursuant to Section 202(B) of the Charter, shall be elected for an initial term of two years. This initial abbreviated term shall not constitute a full term for the purposes of the term limits imposed pursuant to Section 204(B) of the Charter.

**2. Voluntary Salary Reduction**

**Amend Section 205 to add a second paragraph as follows:**

~~Commissioners' salaries shall be uniform and shall be set by ordinance. The salary in effect at the beginning of a commissioner's term in office shall not be lowered during that commissioner's term.~~

Notwithstanding the provisions of the prior paragraph, each county commissioner may reduce his or her salary on a voluntary basis.

**Amend Section 302 (A) to add a second paragraph as follows:**

~~Compensation. The county mayor's salary shall be set by ordinance. The salary in effect at the beginning of a county chairman's term in office shall not be lowered during that term.~~

Notwithstanding the provisions of the prior paragraph, the county mayor may reduce his or her salary on a voluntary basis

**3. CRC Frequency**

**Sec. 702 Charter review commission.**

B. The Charter review commission shall be empowered to conduct a comprehensive study of any or all phases of county government. The Charter review commission shall be appointed no later than February 1, of the year prior to a ~~presidential~~ general election year and shall adjourn sine die no later than the Monday following that election. A Charter review commission will be appointed on a ~~four~~ six year cycle. A Charter review commission may, during its term, place proposed amendments and revisions of the Charter on the ballot at general elections only, providing a report of the proposed changes has been delivered to the clerk of the board of county commissioners at least sixty (60) days prior to the election. The report shall include an analysis and financial impact statement of the estimated increase or decrease in any revenues or costs to the county or local governments or to the citizens resulting from the proposed amendments or revisions. The Charter review commission shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis. The Charter review commission shall include a summary of the analysis or financial impact statement on the ballot language for

any proposed changes to the Charter. Such amendments or revisions do not require the approval of the board.

#### 4. **Citizen Review Board**

##### **Sec. 801. - Citizen review board.**

- A. There is hereby created the Orange County Citizen Review Board composed of not less than seven (7) nor more than eleven (11) members, ~~two (2) of whom shall be appointed by the office of sheriff, with the remainder~~ appointed by the board of county commissioners. The composition of the citizen review board shall reflect the ethnic, racial and economic diversity of Orange County. The citizen review board shall be charged with reviewing ~~citizen complaints and closed~~ departmental investigations ~~thereof~~ regarding the use of force or abuse of power by any officer or employee of the office of sheriff. The board of county commissioners shall specify the number of members and may from time to time provide for rules of procedure and other administrative matters by ordinance.
- B. For the purpose of conducting ~~investigations~~ reviews of closed departmental investigations pursuant to this section, the citizen review board may subpoena witnesses, administer oaths, take testimony, and submit public records requests pursuant to Chapter 119, Florida Statutes. ~~and require production of evidence. Any person who fails or refuses to obey a lawful order or subpoena issued in the exercise of these powers shall be guilty of a misdemeanor upon conviction and shall be punished according to law.~~ Upon completion of any ~~investigation or inquiry~~ review, the citizen review board shall submit issue to the board of county commissioners and the office of sheriff a written report containing its finding of facts and recommendations.

**SECTION VI**  
**SPANISH TRANSLATION**  
**OF BALLOT QUESTIONS**

**TRADUCCIÓN AL ESPAÑOL**  
**DE PREGUNTAS DE VOTACIÓN**

El título y la pregunta de votación para la Pregunta #1 son los siguientes:

**MÉTODO LOCAL PARA OCUPAR LAS VACANTES EN LA OFICINA**  
**DEL COMISIONADO Y EL ALCALDE,**  
**AUTORIZADO SEGÚN LA LEY DE LA FLORIDA**

¿Se debe enmendar la Carta Orgánica del Condado de Orange para prescribir, cuando lo autorice la ley de Florida, un método para ocupar localmente las vacantes de las oficinas del Comisionado y Alcalde durante una vacante o suspensión, siempre que sea convocado por la Junta de Comisionados del Condado para ocupar las oficinas suspendidas o vacantes hasta la próxima elección general y para una elección especial con el fin de ocupar la oficina vacante de Alcalde, en donde el término restante del Alcalde sea superior a un año? Impacto financiero: costo de la elección especial de Alcalde.

\_\_\_\_ Sí

\_\_\_\_ No

El título y la pregunta de votación para la Pregunta #2 son los siguientes:

**ENMIENDA DE LA CARTA ORGÁNICA DEL CONDADO PARA CAMBIAR LA FECHA**  
**DE VENCIMIENTO**  
**DEL INFORME DE LA COMISIÓN**  
**PARA LA REVISIÓN DE LA CARTA ORGÁNICA**

¿Se debe enmendar la Carta Orgánica del Condado de Orange para cambiar la fecha de vencimiento del informe de la Comisión para la Revisión de la Carta Orgánica del Condado de Orange a una fecha no posterior al último día para calificar en la elección de la oficina del condado? Sin impacto financiero.

\_\_\_\_ Sí

\_\_\_\_ No

El título y la pregunta de votación para la Pregunta #3 son los siguientes:

EFFECTO DENTRO DE LAS MUNICIPALIDADES  
POR LAS ORDENANZAS DEL CONDADO

SOBRE JUEGOS DE AZAR O JUEGOS DE AZAR SIMULADOS

¿Se debe enmendar la Carta Orgánica del Condado de Orange para garantizar que las ordenanzas del Condado de Orange sean efectivas dentro de las municipalidades y se impongan sobre las ordenanzas municipales cuando el Condado de Orange establezca estándares mínimos más estrictos para prohibir o regular los juegos de azar o juegos de azar simulados? Impacto financiero: Sin impacto al condado; no se puede determinar el impacto a municipalidades y ciudadanos.

\_\_\_\_ Sí

\_\_\_\_ No

El título y la pregunta de votación para la Pregunta #4 son los siguientes:

ENMIENDA DE LA CARTA ORGÁNICA DEL CONDADO

CON LA AUTORIZACIÓN DE DESIGNACIÓN DE COMUNAS NO INCORPORADAS

Y LA CREACIÓN DE COMITÉS DE ASESORAMIENTO PARA COMUNAS

¿Se debe enmendar la Carta Orgánica del Condado de Orange para garantizar, según petición y aprobación en referendo por los electores de un Lugar Designado por el Censo de EE. UU., no incorporado y con una población mayor a 25,000, que ese lugar sea designado como comuna no incorporada con un comité de asesoramiento designado con poderes, deberes y funciones enunciados en la carta orgánica y las ordenanzas? Impacto financiero anual: \$35,000 por junta.

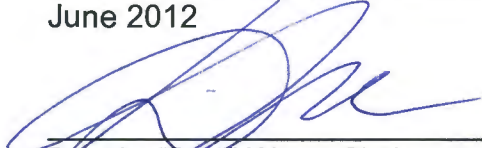
\_\_\_\_ Sí

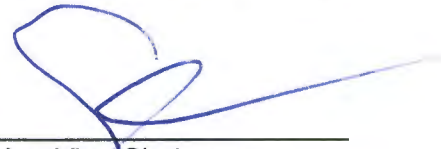
\_\_\_\_ No





**CONCLUSION**

Approved by the 2012 Orange County Charter Review Commission on this 14<sup>th</sup> day of June 2012

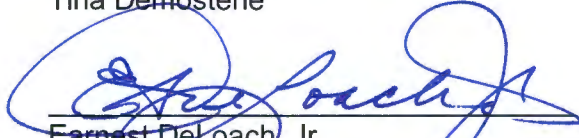
  
\_\_\_\_\_  
Dorothy "Dotti" Wynn, Chairman


  
\_\_\_\_\_  
Shawn G. Rader, Vice Chairman

  
\_\_\_\_\_  
Bakari F. Burns

  
\_\_\_\_\_  
Tina Demostene


  
\_\_\_\_\_  
Angel de la Portilla

  
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Ernest DeLoach, Jr.

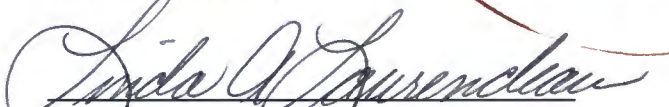
  
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Earle L. Denton

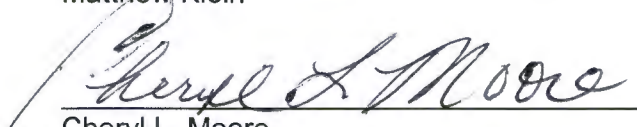
  
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Pasquale "Pat" DiVecchio

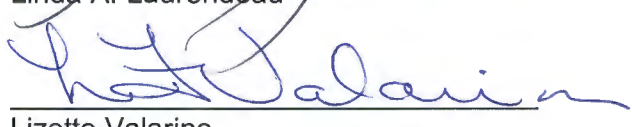
  
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Pinkie Freeman

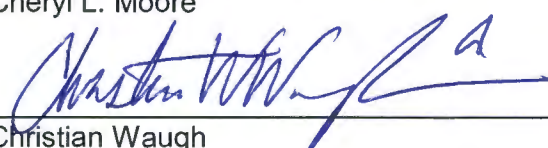
  
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Thomas Katheder

  
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Matthew Klein

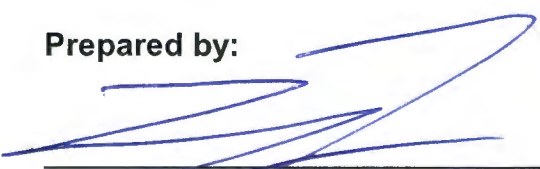
  
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Linda A. Laurendeau

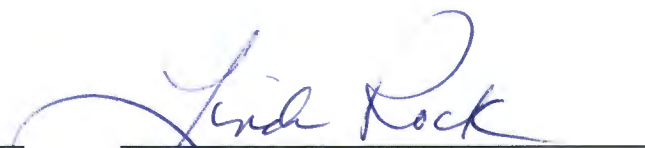
  
\_\_\_\_\_  
Cheryl L. Moore

  
\_\_\_\_\_  
Lizette Valarino

  
\_\_\_\_\_  
Christian Waugh

**Prepared by:**

  
\_\_\_\_\_  
Wade Vose  
CRC General Counsel

  
\_\_\_\_\_  
Linda Rock  
CRC Administrative Assistant

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**APPENDIX A**  
**TABLE OF CRC REGULAR & SPECIAL MEETINGS AND PUBLIC HEARINGS**

<b>DATE</b>	<b>LOCATION OF MEETING</b>	<b>SPEAKERS</b>	<b>TYPE</b>
03/01/2011	BCC Chambers	Vice Mayor S. Scott Boyd, Orange County Comptroller Martha Haynie, County Attorney Jeff Newton, Assistant County Attorney Dana Crosby-Collier	Business Meeting
04/14/2011	BCC Chambers	Commissioner S. Scott Boyd, Commissioner Tiffany Moore Russell, Assistant County Attorney Dana Crosby-Collier	Business Meeting
05/12/2011	BCC Chambers	Commissioner Fred Brummer, Commissioner Lui Damiani, Orange County Comptroller Martha Haynie, Orange County Sheriff Jerry Demings, Assistant County Attorney Dana Crosby-Collier, Doug Head, Bertina Busch, Jaye Bonner, John Pardo	Business Meeting
06/09/2011	BCC Chambers	Commissioner Jennifer Thompson, Commissioner Ted Edwards, Orange County Supervisor of Elections Bill Cowles, Orange County Property Appraiser Bill Donegan, Orange County Clerk of Courts Lydia Gardner, Assistant County Attorney John Lowndes, Trini Quiroz, Jaye Bonner, Jim Callahan	Business Meeting
06/14/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	General Counsel Committee Meeting
07/06/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	General Counsel Committee Meeting
07/13/2011	BCC Chambers	Assistant County Attorney Dana Crosby-Collier, Jaye Bonner, Trini Quiroz	Business Meeting
07/26/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Consolidation of Constitutional Offices Committee Meeting
08/02/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	General Counsel Committee Meeting
08/11/2011	BCC Chambers	Orange County Assistant Tax Collector Kelly Goodwin, Orange County Deputy County Administrator Linda Weinberg, City of Orlando Deputy City Administrative Officer Kevin Edmonds, Felony Bureau Chief Joe Cocchiarella, Orange County Planning Division Manager Susan Caswell, Assistant County Attorney Dana Crosby-Collier, Trini Quiroz, Rae Capen, Brian Mills, Jaye Bonner	Business Meeting
09/07/2011	BCC Chambers	Mayor Teresa Jacobs, Orange County Sheriff Jerry Demings, Assistant General Counsel County Sheriff's Office Eric Dunlap, Chief Financial Officer, Orange County Tax Collector Kelly Goodwin, Chief Deputy Comptroller, Orange County Comptroller's office Jim Moye, Executive Director, Florida	Business Meeting

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DATE	LOCATION OF MEETING	SPEAKERS	TYPE
		Tax Collectors Association Tim Qualls, Rae Capen, Sylvia Rice, Johnny Jallad, Lawrence, Umstadter, Lee Barrett, Barbara Anderson	
09/07/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Consolidation of Services Committee Meeting
09/15/2011	Wekiva High School (Apopka)	Commissioner Frederick C. Brummer, Jacki Sandler, Bishop A. L. Heligar, Janice Mayers	Public Hearing District 2
09/29/2011	Dr. Phillips High School (Orlando)	Commissioner S. Scott Boyd, Emmett O'Dell, Barbara Anderson	Public Hearing District 1
10/12/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Consolidation of Constitutional Offices Committee Meeting
10/13/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Number of County Commissioners Committee Meeting
10/13/2011	BCC Chambers	Trini Quiroz, Emmett O'Dell, Tim Qualls, Patricia Silver	Business Meeting
10/26/2011	Blanchard Park YMCA (Orlando)	Sylvia Rice, Rae Capen	Public Hearing District 3
11/03/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Consolidation of Constitutional Offices Committee Meeting
11/10/2011	BCC Chambers	Assistant County Attorney Dana Crosby-Collier, Rae Capen	Business Meeting
11/14/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Water Resources Management Committee Meeting
11/18/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Voluntary Salary Reduction Committee Meeting
11/21/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Number of County Commissioners Committee Meeting
11/30/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	CRC Frequency Committee Meeting
12/08/2011	BCC Chambers	Assistant County Attorney Dana Crosby-Collier, Timothy Murray, Jamie Leigh, Jose Raul Quintero, Doug Head, Rico Piccard, Trini Quiroz, John Pardo, Jim Callahan, Mark Wachowiak	Business Meeting
12/21/2011	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	CRC Frequency Committee Meeting
01/04/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room.	Not Applicable	Local Officials Replacement Committee Meeting
01/10/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	CRC Frequency Committee Meeting

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<b>DATE</b>	<b>LOCATION OF MEETING</b>	<b>SPEAKERS</b>	<b>TYPE</b>
01/12/2012	BCC Chambers	Trini Quiroz, Doug Head, David Rucker, Rico Piccard	Business Meeting
01/18/2012	University High School, (Orlando)	Doug Head, Trini Quiroz, Pura Delgado	Public Hearing District 5
01/25/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Simulated Internet Gambling Committee Meeting
01/27/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Citizen Review Board Committee Meeting
02/01/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Number of County Commissioners Committee Meeting
02/01/2012	Barnett Park & Gym (Orlando)	Doug Head, Bertina Busch	Public Hearing District 6
02/03/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Water Resources Management Committee Meeting
02/09/2012	BCC Chambers	Emmett O'Dell, Rae Capen, Laura Glick, Doug Head, Mark Wachowiak	Business Meeting
02/15/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Local Officials Replacement Committee Meeting
02/17/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Citizen Review Board Committee Meeting
02/22/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	Number of County Commissioners Committee Meeting
02/28/2012	Orange County Extension Center (Orlando)	Commissioner Jennifer Thompson, Emmett O'Dell, Tom Wilkes	Public Hearing District 4
03/06/2012	Comptroller's 4 <sup>th</sup> Floor Conf. Room	Not Applicable	CRC Frequency Committee Meeting
03/08/2012	BCC Chambers	David Rucker, Doug Head, Tom Wilkes, Zoraida Rios-Andino, Trini Quiroz, John Heffernan, Emmett O'Dell, Rico Piccard, Michael Aviles, James Q. Mitchell, Jim Callahan, Rae Capen, Shayan Elahi, Clinton Salter, Jasmine Burney, Lawanna Gelzer, Mark Wachowiak, Caroline Emmons-Schramm	Business Meeting
04/12/2012	BCC Chambers	Supervisor of Elections Bill Cowles, Doug Head, Johnny Jallad, Lawrence Umstadter, Nancy Oesch, Jose Rivas, Jay Adams, Grace Lias, Trini Quiroz, Craig McAllaster, Barbara Anderson, Mike Fewless, Bertina Busch, Noel Busch, Evangeline Richardson, Barbara Anderson	Business Meeting
05/07/2012	Comptroller's 4 <sup>th</sup> Floor Conf.	Not Applicable	Final Report Editorial Committee Meeting

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<b>DATE</b>	<b>LOCATION OF MEETING</b>	<b>SPEAKERS</b>	<b>TYPE</b>
	Room		
05/10/2012	BCC Chambers	Bertina Busch, Noel Busch	Business Meeting
05/24/2012	BCC Chambers	Clerk of Courts Lydia Gardner, Comptroller Martha Haynie, Property Appraiser Bill Donegan, Sheriff Jerry Demings, Supervisor of Elections Bill Cowles, Tom Wilkes, Tim Qualls, Alison Yurko, Caroline Emmons-Schramm	Business Meeting
05/29/2012	Comptroller's 4th Floor Conf. Room	Not Applicable	Final Report Editorial Committee Meeting
06/14/2012	BCC Chambers		Business Meeting

~~Strikethrough~~ = deleted language  
Underline = added language

**APPENDIX B  
CRC 2012 COMMITTEES**

<b>Charter Section</b>	<b>Committee Name</b>	<b>Committee Members</b>
107	Simulated Gambling	Chair Christian Waugh, Shawn Rader, Thomas Katheder
202	Number of County Commissioners	Chair Bakari Burns, Pinkie Freeman
205	Voluntary Salary Reduction	Chair Linda Laurendeau, Cheryl Moore
206	Local Officials Replacement	Chair Cheryl Moore, Dotti Wynn, Angel de la Portilla
702	CRC Frequency/Timing of CRC Report	Chair Matthew Klein, Tina Demostene, Lizette Valarino
703	Consolidation of Constitutional Offices	Chair Angel de la Portilla, Earnest DeLoach, Pat DiVecchio
801	Create New Citizen Review Board	Chair Earnest DeLoach, Thomas Katheder, Tina Demostene
901	Consolidation of Services	Chair Pat DiVecchio, Earle Denton
901	Water Resources Management Committee	Chair Pat DiVecchio, Earle Denton
N/A	General Counsel Procurement	Chair Christian Waugh, Thomas Katheder, Matthew Klein
N/A	Final Report	Dotti Wynn, Earnest DeLoach, Thomas Katheder

Appendix C

**ORANGE COUNTY  
NOTICE OF PUBLIC HEARING**

**IF YOU HAVE ANY QUESTIONS REGARDING THIS NOTICE, CONTACT THE ORANGE COUNTY ATTORNEY'S OFFICE, 407-836-9651 Email: Vivien.monaco@ocfl.net**

**PARA MÁS INFORMACION EN ESPANOL ACERCA DE ESTAS REUNIONES PUBLICAS O DE CAMBIOS POR SER EFECTUADOS, FAVOR DE LLAMAR A LA OFICINA DE ABOGADO DE CONDADO A (407) 836-7320.**

The Orange County Board of County Commissioners will conduct a public hearing on **June 19, 2012, at 2 p.m.**, or as soon thereafter as possible, in the County Commission Chambers, First Floor, County Administration Center, 201 South Rosalind Avenue, Orlando, Florida. You are invited to attend and be heard regarding the following proposed ordinance:

**AN ORDINANCE PERTAINING TO THE CHARTER FOR ORANGE COUNTY FLORIDA; PROVIDING FOR A REFERENDUM ON RE-APPROVAL OF THAT PORTION OF SECTION 704 OF THE ORANGE COUNTY CHARTER, WHICH PROVIDES THAT COUNTY ORDINANCES SHALL BE EFFECTIVE WITHIN MUNICIPALITIES AND PREVAIL OVER MUNICIPAL ORDINANCES WHEN THE COUNTY ORDINANCE REQUIRES THAT REZONINGS OR COMPREHENSIVE PLAN AMENDMENTS THAT INCREASE RESIDENTIAL DENSITY IN AN OVERCROWDED SCHOOL ZONE AND FOR WHICH THE SCHOOL BOARD CANNOT ACCOMMODATE THE EXPECTED ADDITIONAL STUDENTS, TAKE EFFECT ONLY UPON APPROVAL BY EACH LOCAL GOVERNMENT LOCATED WITHIN THE BOUNDARIES OF THAT SCHOOL ZONE; REAFFIRMING THAT PORTION OF SECTION 704; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING EFFECTIVE DATES.**

You may examine the notice and the proposed ordinance at the office of the Comptroller Clerk of the Board of County Commissioners, 201 South Rosalind Avenue, Fourth Floor; Orlando, Florida; between 8 a.m. and 5 p.m., Monday through Friday.

**If you wish to appeal any decision made by the Board of County Commissioners at this meeting you will need a record of the proceedings. You should ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.**

**If you require special accommodations under the Americans with Disabilities Act of 1990, please call 407-836-5631 no later than two business days prior to the hearing for assistance. Si usted requiere ayuda especial bajo la ley de Americanos con Incapacidades de 1990, por favor llame al 407-836-3111.**

Martha O. Haynie, County Comptroller  
As Clerk of the Board of County Commissioners  
Orange County, Florida

Publish: **June 3, 2012**; the Orlando Sentinel Public Record  
Certify: Ordinance regarding the Charter for Orange County Florida

cas/cms/ks

c: All Board Members' Offices [email]  
County Attorney's Office, BCC [Vermotta Jackson e-mail]  
Vivien Monaco, County Attorney's Office, BCC [email]  
Jim Harrison, Assistant County Administrator, BCC [email]  
Chris Testerman, Assistant County Administrator, BCC [email]  
Mitch Gordon, Manager, Zoning Division  
Cheryl Gillespie, Agenda Development, BCC [email]  
Mike Seif, Orange TV, BCC [email]  
Deputy Clerk [email]  
Chris Schmidt, Development Services Analyst, BCC [email]



## Appendix D



### COUNTY ATTORNEY'S OFFICE JEFFREY J. NEWTON, *County Attorney*

201 South Rosalind Avenue - 3rd Floor  
Reply To: Post Office Box 1898  
Orlando, FL 32802-1898  
407-836-7820 • Fax 407-836-5888  
<http://www.oefl.net>

May 24, 2012

*Deputy County Attorney*  
Joel D. Prinsell

*Senior Assistant County Attorneys*

Robert D. Guthrie  
Edward M. Chew

*Assistant County Attorneys*

Roberto Alfonso  
Linda Beshner Lanora  
Henry Brown  
Dana Crosby-Collier  
P. Andrea DeLoach  
Whitney E. Evers  
Wanzo Galloway, Jr.  
Georgiana Holmes  
Peter A. Lidtman  
Lila L. McHenry  
Vivien J. Monaco  
Scott Shevenell  
William Turner

*Legal Administrative Supervisor*

Ama M. Caban

*Paralegals*

Kimberly Cindiff  
Cathy Saravaija, CP  
Mara Vargas, ACP

Municipal Code Corporation  
Post Office Box 2235  
1700 Capital Circle, S.W.  
Tallahassee, Florida 32316

Re: Corrections to Section 801 of the Orange County Charter

Dear Sir or Madam:

In 2009, Florida's Fifth District Court of Appeals heard a legal challenge to Section 801 of the Orange County Charter in which the Citizens Review Board (CRB) was created with the authority to investigate complaints against law enforcement officers, including the authority to issue subpoenas, *Demings v. Orange County Citizens Review Board*, 15 So.3d 604 (Fla. 5<sup>th</sup> DCA 2009). The *Demings* court found that the County could not interfere with the sheriff's independent exercise of his duty to investigate misconduct by his deputies and further found Section 801 to be inconsistent with the state statute limiting investigation of complaints against law enforcement officers to the employing agency. The *Demings* court did not apply the severability doctrine, in part, because the CRB charter amendment was offered in tandem with the charter amendment abolishing the constitutional office of the sheriff. However, the *Demings* court expressly noted that there was no constitutional impediment to the creation of a board to comment on the sheriff's exercise of his duties, to review public records, or to consider testimony from citizens. The *Demings* case was not appealed by the County and on August 12, 2009 the Circuit Court entered a Final Order consistent with the District Court of Appeal's holding (see attached Order).

For this reason, I request that a footnote be added to Section 801 of the Orange County Charter to advise the reader as follows:

"At the direction of the County Attorney's Office, Section 801 has been stricken for the reasons set forth in *Demings v. Orange County Citizens Review Board*, 15 So.3d 604 (Fla. 5<sup>th</sup> DCA 2009)."

Please ensure that this footnote is added when the next supplement is published. Likewise, the website needs to be corrected. Please do not hesitate to contact me if you have any questions or need additional information. Thank you.

Sincerely,

A handwritten signature in black ink that reads "Dana Crosby-Collier".

Dana Crosby-Collier  
Assistant County Attorney

DLC/eh  
Attachment

copy: Martha O. Haynie, Orange County Comptroller