

TO: The Orange County Board of County Commissioners

On two previous occasions, prudently objective members of the Orange County Commission voted to deny Orange County Public Schools a "special exception" while Bill Sublette and his school board tried avoiding rezoning in an orchestrated and somewhat presumptuous effort to build a 350,000+ square foot institution on property designated for low density, single family home development.

OCPS would like you to believe Judge Blackwell green-lighted the proposed high school project. However, according to the Orange County Attorney's Office, representing the BCC I might add, the Judgment Following Trial resulted in what can best be described as a "tie". (It should be noted the Orlando Sentinel editorial on April 4, 2015 incorrectly suggesting otherwise.) It **DID NOT** grant the School Board the relief it was seeking --- a declaratory judgment that the County had to approve the special exception application that the Board of County Commissioners reviewed and denied on Nov. 5, 2013. The Judgment Following Trial even labeled the School Board's claim as "premature."

The County never argued the School Board is not entitled to a special exception **if the School Board satisfies ALL the criteria for a Special Exception**. The question to be decided in the certiorari proceeding is whether the Special Exception application submitted by the School Board at the Nov. 5, 2013, quasi-judicial hearing complied with the criteria". Obviously this critical issue presently remains unanswered.

I refer you to the DRC report dated July 24, 2013 supporting the September 28, 2008 P&Z Commission which said "...the proposed school is neither consistent with the Comprehensive Plan Policy nor compatible with the development pattern of the surrounding area ... thus negatively affecting the rural settlement." How is this compliant with the Special Exception criteria? No need to answer. We already know. It isn't.

School Board member Pam Gould, presumably with the knowledge of Mr. Sublette and other school board members, provided tax-payer funded school buses so t-shirt wearing, sign carrying supporters could parade before the BCC extoling the horrendous conditions they're forced to endure at West Orange High School in a calculated effort to get the BCC to shift its objectivity from fact to emotion, ignore the advice of their own attorneys, and "force the camel through the needle's eye" by rubber stamping a so-called "special exception". The political expediency attached to this event even resulted in Commissioner Boyd abandoning his own "compromise" plan in order to submit one put up by OCPS. What's the real reason behind that? And why is the BCC so anxious to cut a deal with OCPS before the 5th District Circuit Court rules on this case, presently before them? Are you concerned the decision will go against you, and is there good reason to be concerned?

Today we may learn who really controls Orange County's zoning – the BCC or OCPS. The 2776 student population "suggested" for this school is clearly a farce, since the school board has steadfastly refused to put a cap on students attending. That's a matter of record. So approving the so-called settlement won't resolve the problem of overcrowding, it will simply relocate it. And how ironic will it be when the same parents now seeking relief for their

West Orange students find them in a school with 4000, 5000, maybe 6000 students mostly housed in a sea of portable classrooms reminiscent of barracks at an Armed Forces Recruit camp? Is that really what you want for your children?

At this point changes in the way BCC members have voted suggest they're anxious to simply have this matter over with, regardless of the plan or its consequences. To that end I'll quote National Security Advisor Susan Rice who said: "...A bad deal would be worse than no deal at all." (AP, March 3rd, 2015)

S Fisher
Citizens United for Sensible Growth
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