

From: [Jeffrey Miller](#)
To: [Smith, Katie](#)
Cc: [Charter](#); [Clifford Shepard](#); [Latorre, Katherine W \(BCC\)](#)
Subject: Re: Charter Review Commission Recommendation for Future By Laws
Date: Tuesday, April 28, 2020 12:02:48 AM

Katie, thank you for this clarification.

I believe that the fear expressed by several members at the last meeting regarding insufficient time frames to do the very important work involving by-laws are becoming evident. I would like to go on the record and object to this insufficient time, even for coming up with non-binding suggestions. This matter was brought up too late for the Commissions full attention.

Thanks,
Jeffrey Miller

Sent from my iPhone

On Apr 27, 2020, at 7:28 PM, Smith, Katie <Katie.Smith@occompt.com> wrote:

Please pardon me –provide any remarks by close of the business day this THURSDAY, April 30.

My regrets.

Katie

From: Smith, Katie <Katie.Smith@occompt.com>
Sent: Monday, April 27, 2020 7:25 PM
To: Charter <charter2020@occompt.com>
Cc: Smith, Katie <Katie.Smith@occompt.com>; Clifford Shepard <csheward@shepardfirm.com>; Latorre, Katherine W (BCC) <katherine.latorre@ocfl.net>
Subject: Charter Review Commission Recommendation for Future By Laws

Good Evening all CRC Members and Legal Counsel.

As you will recall, during your recent CRC meeting on April 20, Chair Evans and Members Mims, Smith, Stoccardo and Vilchez Santiago volunteered to examine potential By Laws for future CRCs. This evening, the workgroup discussed future actions to be taken prior to the full CRC's first review of the Final Report.

Workgroup members agreed to ask all CRC members to opine on critical elements i.e. operating guidelines, you believe should be included as recommendations to future CRCs . When considering any operating guidelines you deem critical, please provide concise input.

You are invited to provide me with your detailed remarks by the close of the

business day this Tuesday, April 30.

Best regards,

Katie Smith, CMC
Deputy Clerk
Manager, Clerk of the Board Department
201 S. Rosalind Avenue, Orlando, FL 32801
Phone 407-836-7301; Fax 407-836-5382
katie.smith@occompt.com

[<image001.png>](#)

Florida has a very broad public records law. As a result, any written communication created or received by Orange County Comptroller officials and employees will be made available to the public and media, upon request, unless otherwise exempt, pursuant to Florida or Federal law. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.

[<image002.png>](#)

[<image003.png>](#)

[<image004.png>](#)

April 30, 2020

Orange County CRC By Laws Workgroup

Member: Nikki Mims

Re: Discussion points and Language for the proposed Orange County CRC By Laws and Recommendation to the BCC

Discussion Points and Areas of Interest for the proposed By Laws

1. **Voting Conflicts** – Charter bylaws should spell out, what is the proper procedure of voting- when a member has a conflict and cannot vote on a matter before the entire board- this includes what forms should be filed by the member, the nature of the conflict- and the proper procedures for public notice regarding the conflict.
 - Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, "Voting Conflicts", as may be amended from time to time, and shall be provided a copy of Section 112.3143. (Leon County CRC By laws)

2. **Code of Ethics // and Standards of Conduct** - Florida Statute 112.313 and Orange County BCC Standards of conduct- This article should entail how to resolve areas of ethical concern regarding members or their capacity to serve on the Board. Lobbyists issues as well.
 - Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:
 - Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes. (Leon County CRC)

Our Commissions' motto should be: Integrity + Transparency + Accountability = Implementation

3. **Procedure:** Robert's Rule of Order Revised. Have we all agreed on this procedure?
 - Section 5.7. Procedure: Roberts' Rules of Order Revised shall govern the procedure of all meetings (Leon County CRC By Laws)

4. **Attendance-** Members who has missed 3 consecutive meetings should be removed.

- Section 4.1 Attendance at Meetings: Regular attendance and attention to the business of the Committee is expected. The seat of any member who fails to attend three consecutive regular meetings, without previous notification, shall be presumed vacant, and the Chairperson shall report that fact to the County Commissioner who appointed the member, for confirmation that a vacancy exists. Vacancies shall be filled in the same manner as initial appointments. (Leon County CRC By Laws)

5. **Subcommittee's-** Should be chosen by the Chair and Full body CRC (studies show- people who are chosen instead of volunteering for a position are more apt to get the job done)

Rule 17. Committees The Commission may authorize the appointment of Committees as it sees t to plan and administer ministerial functions of the Commission, or to investigate and report to the full Commission on studies of special departments or functions of the existing or proposed government, or for any other lawful purpose; provided that no Committee shall have any nal authority vested by law in the full Commission (**Sarasota County CRC By laws**)

6. **Special meetings** – should be called by the chair or any 7 members.

Section 5.2 Special Meetings: The Chairperson or any seven (7) members of the Committee may call a special meeting of the Committee to discuss any issue properly before the Committee. Such special meeting may be convened only after notification is given to each member of the Committee and after public notice is given no later than forty-eight (48) hours before the special meeting is scheduled to begin.

7. **Public Participation** – Our allotted time for “public comment” is 3 minutes, the consensus of Leon , Sarasota and Columbia County is 5 minutes, or less for good cause.

Section 5.3 Public Participation: The Committee will consider public comment on all substantive agenda items. Under the agenda item of "Remarks of Interested Citizens", interested citizens shall be afforded an opportunity to comment on matters before the Committee. The remarks of any citizen should be germane to the agenda or matters to come before the Committee. Each agenda shall include a point during the meeting at which "Remarks of Interested Citizens" may be made. Each citizen addressing the Committee is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers. Citizens are asked to limit their comments to five minutes in the interest of fairness to all citizens desiring to be heard, although this requirement may be waived at the discretion of the Chairman

8. **Deliberations** – Done in 3 phases- *see below Leon County’s process for deliberations.

- Issue Agenda
- Decision Agenda
- Public Hearing and transmittal

Section 6.1 The Committee shall conduct meetings in three phases: (1) Issues Agendas, (2) Decision Agendas, and (3) Public Hearings and Transmittal.

- **Clause 6.1.1 Issues Agenda:** During the first phase of meetings, the Committee shall, identify policy issues for discussion and potential recommendations to the BCC for placement on the general election ballot. By simple majority vote, the Committee shall approve policy issues to be considered and schedule Issues Agenda meetings at which the approved issues shall be discussed. Prior to completion of Issues Agenda meetings, additional policy issues may be added and scheduled upon the request of four or more members. After completion of the scheduled Issues Agenda meetings but not later than January 11 , 2018, additional issues may be scheduled with the concurrence of a majority of the Committee. Any issue may be stricken from further consideration at Issues Agenda meetings by a majority of those members present, but not less than seven members.
- **Clause 6.1.2 Decision Agenda:** By a simple majority vote, the Committee shall approve those issues to be discussed during the second phase of meetings and schedule Decision Page 3 of4 BYLAWS OF THE LEON COUNTY CITIZEN CHARTER REVIEW COMMITTEE Agenda meetings at which sample text of proposed amendments shall be considered. After a proposed amendment has been discussed, the Committee may, by a majority of those members present, direct County staff to prepare proposed amendments for review and discussion at public hearings.
- **Clause 6.1.3 Public Hearings and Transmittal:** The Charter requires the Committee to hold at least three public hearings prior to submitting amendments to the BCC in accordance with Section 125.63, F.S. After all necessary hearings, the Committee shall amend (if necessary) and approve, the proposed Charter amendments, ballot titles, and summaries for recommendation to the BCC with the concurrence of two-thirds of those present but not less than 10 members. By two-thirds of those present but not less than 10 members, the Committee shall direct the Chairperson

to transmit the proposed amendments, ballot titles, and summaries to the BCC ninety (90) days prior to the general election in order for the special election on the proposed Charter amendments to be held simultaneously with the general election. (Leon County CRC By Laws)

9. **Policy on Publicity** - Every effort should be made to insure that the proceedings of the Commission are made available to the news media. Too many of our citizens complain they have no idea who we are, what we do or when we meet

- Every effort shall be made to insure that the proceedings of the Commission are made available to the news media .No attempt shall be made to inhibit the normal processes of the news media .Public statements by the Commission or by study committees shall be coordinated through the Chair and the Executive Assistant. Members of the Commission may make public or private statements of their personal feelings, attitudes or beliefs at any time .In making such statements, however, members of the Commission shall on every occasion make an affirmative statement that their views are not represented as the views of the Commission as a whole. The Chair of the Commission shall be responsible for announcing the adopted positions of the Commission.

(Columbia County Bylaws Rule 18)

10. **Amendments// Approval** – an outline or clause that explains the proper way to amend our By Laws and how they are approved.

- Section 8.1 **Amendments**: These rules and policies shall be presented by staff and adopted as the bylaws of the Committee at their first meeting. The Bylaws may be amended by an affirmative vote of two-thirds of the entire Committee
- Section 8.2 **Approval**: The Amended Bylaws shall become effective upon the approval of the County Attorney as to the legality of the form and content of such amendment. (Leon County CRC By Laws)

**** Approved as to Legality of Form and Content ****

11. **Indemnification** – The commission shall hold harmless and defend any suit arising out of fulfilling our public and civic duties to the CRC.

- INDEMNIFICATION 7.1 The Board shall indemnify, defend, and hold any individual member harmless from any and all liability and expenses incurred as a result of any legal action being threatened or taken against any individual Board member as a result of any said Board member acting

within the scope of his or her authority as a duly elected member of the Board in accordance with these By-Laws. (**Sarasota County By Laws**)

2020 Orange County Charter Review Commission

To: 2020 Charter Review Commission Members
From: Soraya Smith, CRC Member
Date: Thursday, April 30, 2020
Subject: By Laws Committee Recommended Topics

Below I have provided recommendations of topics, procedures, and comparable examples that we should consider with the development of CRC Bylaws that would increase the efficiency, and ethical practices within the work of the CRC present and future. Many of these concerns were discussed during several meetings within 2019 and would provide great clarification if outlined.

Parliamentary Procedures

Rule 12. Official Rules of Order: Except as otherwise provided in these rules of procedure, Robert's Rules of Order Revised (751 h Anniversary Edition) shall apply in matters of procedural conflict for the Commission, committees, and study committee.

[Columbia County CRC By-Laws](#)

[Leon County CRC By-Laws](#)

Decision Agenda

Rule 10. Deliberations:

The Commission shall approve, by majority of the whole commission, a schedule and agenda of meetings at which approved issues and approved sample text shall be considered for inclusion in proposed Charter Amendment(s).

[Columbia County CRC By-Laws](#)

Appointing Committee Members and Committee Chair

Rule 17. Committees:

The Commission may authorize the appointment of Committees as it sees fit to plan and administer ministerial functions of the Commission, or to investigate and report to the full Commission on studies of special departments or functions of the existing or proposed government, or for any other lawful purpose; provided that no Committee shall have any final authority vested by law in the full Commission.

[Leon County CRC By-Laws](#)

ADD: Specifics on a non-biased way to appoint a subcommittee chair and its members (ex. See Congress' process to make recommendations based on votes)

Public Comment Opportunities

Section 5.3 Public Participation: The Committee will consider public comment on all substantive agenda items. Under the agenda item of "Remarks of Interested Citizens", interested citizens shall be afforded an opportunity to comment on matters before the Committee. The remarks of any citizen should be germane to the agenda or matters to come before the Committee. Each agenda shall include a point during the meeting at which "Remarks of Interested Citizens" may be made. Each citizen addressing the Committee is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers. Citizens are asked to limit their comments to five minutes in the interest of fairness to all citizens desiring to be heard, although this requirement may be waived at the discretion of the Chairman for good cause.

[Leon County CRC By-Laws](#)

Process Approval

All presented or proposed processes and procedures for the functioning of the CRC should be approved by the full CRC prior to implementation.

CC: Jessica Vaupel and Katie Smith

From: [Eugene Stoccardo](#)
To: [Smith, Katie](#)
Subject: Re: Charter Review Commission Recommendation for Future By Laws
Date: Thursday, April 30, 2020 5:36:48 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Katie

I spoke to Sarasota Attorney office; turns out they are a board not a commission so the rules are different. Now with Columbia County - Spoke to the county Attorney, calling me back right around 4:15 today, so that's why I got my comments a little before 5. Had a very interesting talk with him. First was he is the only elected County Attorney in the state of Florida (CRC subject for 2024?). His office maintains the by-laws and he presents them to the new commission upon their appointment, So thats answer where the by-laws live in between CRC's in Columbia County. In Orange County I would see your division/directorate within the Comptroller office the keeper of the 'Operating Principles'.

Operating Principles would be much like the Job description that I received and other prospect members received prior to our acceptance of the CRC appointment. I believe they are kept in you area?

Btw I'm going to say away from By-laws because of legal connotations it incorporates.

Your welcome to share a brief note about this to the other members of the committee.

Ciao,
Sincerely
Eugene

On Mon, Apr 27, 2020 at 7:28 PM Smith, Katie <Katie.Smith@occompt.com> wrote:

Please pardon me –provide any remarks by close of the business day this THURSDAY, April 30.

My regrets.

Katie

From: Smith, Katie <Katie.Smith@occompt.com>
Sent: Monday, April 27, 2020 7:25 PM
To: Charter <charter2020@occompt.com>
Cc: Smith, Katie <Katie.Smith@occompt.com>; Clifford Shepard <cshepard@shepardfirm.com>; Latorre, Katherine W (BCC) <katherine.latorre@ocfl.net>

Subject: Charter Review Commission Recommendation for Future By Laws

Good Evening all CRC Members and Legal Counsel.

As you will recall, during your recent CRC meeting on April 20, Chair Evans and Members Mims, Smith, Stoccardo and Vilchez Santiago volunteered to examine potential By Laws for future CRCs. This evening, the workgroup discussed future actions to be taken prior to the full CRC's first review of the Final Report.

Workgroup members agreed to ask all CRC members to opine on critical elements i.e. operating guidelines, you believe should be included as recommendations to future CRCs . When considering any operating guidelines you deem critical, please provide concise input.

You are invited to provide me with your detailed remarks by the close of the business day this Tuesday, April 30.

Best regards,

Katie Smith, CMC

Deputy Clerk

Manager, Clerk of the Board Department

201 S. Rosalind Avenue, Orlando, FL 32801
Phone 407-836-7301; Fax 407-836-5382

katie.smith@occompt.com



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or received by Orange County Comptroller officials and employees will be made available to the public and media, upon request, unless otherwise exempt, pursuant to Florida or Federal law. Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this office. Instead, contact our office by phone or in writing.



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Operating Principles for the Charter Review Commission

The current job description should be reviewed by the Comptroller office to bring it up to date. It should be shared prior to the candidate of a future CRC accepting.

First meeting of a new CRC should have an orientation meeting. Giving a history of the charter, CRC independence from all county influences once appointed by the BCC including the appointing BCC commissioner. The CRC needs to understand they are an independent constitutional body via the Florida State Constitution.

Third month of the CRC - a work session should be held to gather no less than three charter thoughts by each commissioner for a potential charter review.

Thought 1. Eugene Stoccardo Comment – Time of Commission Business meeting should be held no earlier than 6 pm.

Thought 2. Citizen Participation at Meetings

The Commission will entertain public comment on all substantive agenda items. Under the agenda item of Remarks of Interested Citizens, interested citizens shall be afforded an opportunity to comment on matters before the Commission. The remarks of any citizen should be germane to the agenda or matters to come before the Commission. **Each agenda shall include a point during the meeting at which Remarks of Interested Citizens may be made.** Eugene Stoccardo Comment – Citizens should be able to make these comment right prior to the vote of agenda item. The Commission may impose reasonable limitations on time allotted to any citizen or on the total time to be allotted to public participation during the meeting. Each citizen addressing the Commission is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers. Citizens are asked to limit their comments to five minutes in the interest of fairness to all citizens desiring to be heard, although this requirement may be waived at the discretion of the Chairman for good cause. Eugene Comment: I would add the ability for the citizen to have a short time at the end of the Committee meeting to give germane remarks to what was discussed during the meeting.

Thought 3. Agenda for Regular Meetings

The agenda for regular meetings of the Commission shall be generally as follows, subject to amendment or revision by the Commission Chair or a majority of the members present:

I. Call to Order

- II. Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
- V. Introduction of Invited Guest (if any) and Their Presentations
- VI. Report of Chairperson
- VII. Reports of Committees (if any)
- VIII. Unfinished Business
- IX. Remarks of Interested Citizens
- X. New Business
- XI. Adjournment with Day Fixed for Next Meeting

Thought 4. Voting Generally

Each member present shall vote, unless a conflict of interest exists, in which case said conflict shall be publicly stated prior to the vote and filed in writing with the **Comptroller office(?)**, as provided by law.

Thought 5. Agenda for Regular Meetings

The agenda for regular meetings of the Commission shall be generally as follows, subject to amendment or revision by the Commission Chair or a majority of the members present:

- I. Call to Order
- II. Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
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- VI. Report of Chairperson
- VII. Reports of Committees (if any)
- VIII. Unfinished Business
- IX. Remarks of Interested Citizens
- X. New Business
- XI. Adjournment with Day Fixed for Next Meeting

Thought 6. Official Rules of Order

Except as otherwise provided in these rules of procedure, Robert's Rules of Order (**Eugene Stoccardo Comment – most recent Edition**) shall apply in matters of **meeting procedures**, procedural conflict for the Commission, committees, and study committees.

Thought 7. Duties of the Chair

The Chair shall:

- a. Preside at all regular and special meetings of the Commission;
- b. Represent the Commission at all functions and activities so requiring (but without authority to state any position of the Commission not previously approved);
- c. Serve as ex-officio (non-voting) member of all committees;
- d. Eugene Stoccardo Comment – The commissioner who submitted the idea for a charter question should be giving the opportunity to chair the committee. The Chair of the commission should ask for volunteers for the committee. Suggested size should not exceed 5 members including the committee chair. The Commission chair shall have the right to appoint members if not enough have volunteer. The chair should rotate commission members evenly to the committees to assure all members serve on a committee.
- e. Call special meetings where necessary;
- f. Coordinate publicity;
- g. Approve all disbursement requests, certifying that the disbursement has been duly approved by the entire Commission.

Thought 8. Duties of the Vice-Chair

The Vice-Chair shall perform the duties of the chairman in the absence or inability to serve of the latter.

Thought 9. Duties of the Orange County Comptroller

The Comptroller shall:

- a. Be custodian of all records of the Commission;
- b. Keep an address and attendance roster;
- c. The Orange County Comptroller shall make all minutes available to the public and open for inspection at all reasonable times. The attendance roster shall likewise be open for inspection by any member and by the public at any reasonable time.
- d. Eugene Stoccardo Comment – Create and maintain website for Charter Review Commission.
- f. Orange County Comptroller shall maintain these Operating Principles to be presented at the beginning of a Newly appointed CRC.

Orange County Charter Review Commission
By-Laws Proposal by Member Samuel Vilchez Santiago

The following are my recommendations regarding what should be included in the CRC Operating Principles:

- Officers:
 - There should be an explanation of the Chair and Vice-Chair's duties before their election. Each nominee should be given three minutes to address the Board on their vision for the Board.
 - Section 1.3 of the Sarasota CRB bylaws: "The Vice-Chair shall perform the duties of the Chair when: the Chair so desires, the Chair is absent, **the Chair has declared a conflict of interest**, or the office of the Chair is vacant."
- Onboarding:
 - There shall be a work session meeting as part of the onboarding process.
 - The following topics shall be discussed:
 - Florida Sunshine Law and statues
 - The history of the Charter Review Commission and the Orange County Charter, including a presentation on the previous CRC's final report and recommendations.
 - The Independence of the Charter Review Commission from the Board of County Commissions.
 - The duties and importance of the CRC staff and attorney.
 - As part of this work session, some time shall be set aside for a brainstorming session to discuss members' ideas for charter amendments and/or additions.
 - The counsel hiring/evaluated committee shall consist of at least five CRC members, who are to be selected based on their interest (volunteering).
- Conduct of Business:
 - Section 4.3 of the Sarasota CRB bylaws: "Meetings shall be conducted in accordance with Robert's Rules of Order, except where superseded by provisions of these By-Laws."
 - Robert's Rules should be explained during the commission's first meeting to ensure all members are on the same page as to how each meeting will operate.
 - Members of the public shall have three minutes to address the board at the beginning of each commission meeting. In addition, members of the public shall have one minute to address the board before any vote on a specific topic/motion.
 - This should also apply to subcommittee meetings (with different time stipulations).

- Members shall be allowed to attend subcommittee meetings via phone or video and be able to vote on any motion.
- **Subcommittees:**
 - Subcommittees shall be comprised of five members, including a chair that shall be elected by the members of the subcommittee during the first meeting.
 - After a subcommittee is established, the Chair shall open the floor for members to volunteer to serve as subcommittee members.
 - If not enough members volunteer, the chair shall ask specific members whether they will like to serve as subcommittee members.
 - If necessary membership isn't reached after following steps above, the chair shall appoint the rest of the membership.
 - The Chair shall not be allowed serve as the chair of any subcommittee.
 - Members shall be allowed to attend subcommittee meetings via phone or video and be able to vote on any motion.
 - There shall be a template to guide the formatting of each subcommittee's final report.
 - Any final subcommittee vote shall be included as part of the subcommittee meeting and ample notice shall be provided to all the subcommittee members.
 - A subcommittee shall be established to draft and discuss the CRC's final report.
- **Adoption and Amendment of By-Laws:**
 - Section 6.1 of the Sarasota CRB bylaws: "Proposed changes or amendments to the By-Laws shall be submitted in writing at a regular or special meeting and voted upon at the next regular or special meeting. Approval by a two-third (2/3) vote of the entire Board shall be required for adoption."
 - The CRC by-laws shall be established no later than the third official meeting of the CRC.
- **Code of Ethics:**
 - CRC members shall disclose any meetings they have with members of the Board of County Commissioners and their staff.
 - Article 1 of the Leon CRC bylaws:

**ARTICLE I.
APPLICABLE FLORIDA LAWS AND BCC POLICIES**

Section 1.1 Public Records Law and E-Mails: Each member of the Committee shall comply with the Florida's Public Records Law, Chapter 119, Florida Statutes, and Leon County BCC Policy 96-4, "Policy on Public Records Law and E-Mail", as may be amended from time to time, and each member of the Committee shall be provided a copy of BCC Policy 96-4.

Section 1.2 Government In the Sunshine Law: Each member of the Committee shall comply with the Florida Government in the Sunshine Law, Chapter 286, Florida Statutes, as may be amended from time to time.

Section 1.3 Code of Ethics: The Committee shall comply with the following state laws and BCC Policies with regard to the Florida Code of Ethics for Public Officers and Employees:

Clause 1.3.1 Each member of the Committee shall comply with Section 112.3143, Florida Statutes, "Voting Conflicts", as may be amended from time to time, and shall be provided a copy of Section 112.3143.

Clause 1.3.2 Each member of the Committee shall abide by the Standards of Conduct set forth in Section 112.313, Florida Statutes, as may be amended from time to time, and shall be provided a copy of Section 112.313, Florida Statutes.

- **Miscellaneous**

- There should be a process for holding CRC leadership accountable for not following the established bylaws, if necessary.
- There should be two different deadlines for the agenda publication:
 - One for any new charter amendment/addition proposals
 - Another for any response/rebuttals to proposals