



2020 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

April [REDACTED], 2020

Committee Recommendation

Citizen-Initiated Charter and Ordinance Amendment Process Committee

Committee Members:

Soraya Smith, Chair
Jack Douglas
Angela Melvin
Jeffrey A. Miller
Dotti Wynn

Summary of Recommendation

On October 22, 2019, Member Samuel Vilchez Santiago submitted a proposal to the 2020 Orange County Charter Review Commission (the "CRC") to establish a subcommittee to evaluate (1) lowering the 10% per district signature threshold for a citizen-initiated charter amendment; and (2) lowering the 7% per district signature threshold for a citizen initiated ordinance amendment, enactment or repeal. Generally, the proposal sought establishment of a subcommittee to study Sections 601 and 602 of the Orange County Charter and to make appropriate recommendations to the CRC.

On November 6, 2019, following a motion and second by Members Vilchez Santiago and Stoccardo, respectively, the CRC voted 8 to 5 to establish the Citizen-Initiated Charter and Ordinance Amendment Process as an evaluation topic by the CRC. By a vote of 12 to 1, the CRC voted to establish the Citizen-Initiated Charter and Ordinance Amendment Process Subcommittee to study this topic and make appropriate recommendations to the full CRC.

Beginning on November 20, 2019, the Citizen-Initiated Charter and Ordinance Amendment Process Committee (the "Committee") held seven [THIS INCLUDES THE 4/16 Meeting and a FUTURE MEETING TO APPROVE THE REPORT] public meetings to hear public input and consider the proposal. The Committee reviewed: Member Vilchez Santiago's proposal; the work product created by and conclusions of the 2016 Orange County Charter Review Commission, whose successful 2016 Charter amendments are under review; a memorandum and timeline prepared by the Orange County Supervisor of Elections; and

memorandums prepared by the General Counsel. The Committee heard from members of the public and invited guests, including Orange County Commissioner Emily Bonilla, Emmett O'Dell, Co-President of the League of Women Voters of Orange County, Dr. Gloria Pickar, and Member Vilchez Santiago.

On January 8, 2020, the Committee voted 5-0 to recommend to the CRC that it take no action on Member Vilchez Santiago's proposal to lower the threshold for petition signature percentages for placing citizen's initiated charter amendments or ordinance amendments, enactments or repeals on the ballot. The Committee further voted 5-0 to request authority from the full CRC to look at all aspects of the current 180-day timeline restrictions contained in the Charter. On January 9, 2020, the CRC received the Committee's request and, on February 5, 2020, the full CRC voted to approve the Committee's request. On February 19, 2020, the Committee voted 3 to 1 to rescind its earlier decision to recommend no action be taken with respect to the percentages necessary to place citizen's initiated charter amendments and ordinance enactments, amendments, or repeals on the ballot. On March 11, 2020, the Committee agreed not to further pursue the petition threshold percentages currently contained in the Charter.

On April 16, 2020, based upon the information and comments received, the Committee voted unanimously to recommend the full CRC adopt a Ballot Title, Summary and Text amendment prepared by General Counsel to suspend the one hundred and eighty (180) day time period in the Charter for obtaining necessary signatures pending completion of the mandatory reviews and procedures outlined in Sec. 602.E of the Charter, and to set a ten (10) day deadline for the Supervisor of Elections to provide the 1% notification to the Orange County Board of County Commissioners, the Orange County Comptroller and the Legal Review Panel under Sec. 602.E.(1) of the Charter in order to give petitioners the benefit of a full one hundred and eighty (180) days to gather necessary signatures.

Reasons for Recommendation

1. The 2016 Charter Amendment Approved by Orange County Voters Does Not Provide Petitioners With Sufficient Time to Gather Signatures.

While the intent of the 2016 Charter Amendments appears to have been to give prospective petitioners a full one hundred and eighty (180) days to gather necessary signatures, in practice, the mandatory review of proposals by the Supervisor of Elections, the Comptroller, and the Legal Review Panel takes up much of that time, during which signatures cannot continue to be gathered. This problem is easily remedied by suspending the one hundred and eighty (180) day time frame while the mandatory reviews are undertaken and by providing a deadline for the Supervisor of Elections to notify the identified bodies when the petitioner has reached the 1% threshold for required signatures.

2. Insufficient Information Establishing that the Percentage of Required Signatures in Each District is Unduly Burdensome.

While the Committee received comments asserting that the percentage of signatures required under the 2016 Charter Amendment is too restrictive, Orange County voters overwhelming approved those requirements. The Committee did not receive sufficient information showing that lowering the percentage thresholds is necessary or warranted at this time.

Argument Against Recommendation

1. Without Easing the Percentage of Required Signatures in Each District, the Proposal Does Not Address the Problem.

Some invited guests argued that the main problem with the 2016 Charter Amendments are the percentages of signatures required in each district. While suspending the one hundred and eighty (180) days helps prospective petitioners, it does not address what some believed is the main problem.

Committee Recommendation

After careful consideration of the information presented, [REDACTED] made a motion, which was seconded by [REDACTED], to recommend that the attached draft Ballot Title, Summary and Text of the proposed charter amendment be forwarded to the full CRC for its consideration. The motion carried unanimously. Based on the foregoing, **the Committee recommends that the attached draft amendment to the Orange County Charter, including Ballot Title and Summary, be made with respect to the approved evaluation topic of Citizen-Initiated Charter and Ordinance Amendment Process.**

Exhibits:

Proposed Amendment, Ballot Title and Summary

All Committee Minutes

All legal memoranda provided by the General Counsel

Member Vilchez Santiago's proposal

November 6, 2019 Correspondence from the League of Women Voters of Orange County

January 24, 2020 Memorandum from Chair Soraya Smith to the 2020 Charter Review Commission