

# **BYLAWS OF THE ORANGE COUNTY CHARTER REVIEW COMMISSION**

## **Article I – Statement of Purpose and Applicable Law**

**Section 1.1 Purpose.** The Orange County Charter Review Commission (“OCCRC”) is an independent body mandated by Section 702 of the Orange County Charter to be appointed on a four year cycle by the Orange County Board of County Commissioners (“Board”) no later than February 1, of the year prior to a presidential election year. The OCCRC shall be empowered to conduct a comprehensive study of any or all phases of county government and 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 no later than the last day for qualifying for election to county office under general law. 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 OCCRC shall request that the Orange County Comptroller or another independent entity or agency prepare such an analysis.

**Section 1.2 Applicable Law.** ~~The OCCRC and its~~ members are appointed by Board Resolution pursuant to Section 702 of the Orange County Charter. As a public commission, the OCCRC and its members are subject to Florida’s Sunshine Law (Chapter 286, Florida Statutes), Florida’s Public Records Law (Chapter 119, Florida Statutes) and the Florida Code of Ethics for Public Officers and Employees (Chapter 112 - Part III, Florida Statutes). Failure to abide by these laws specifically, as applicable, and state or federal law generally, may result in a member’s removal from the OCCRC ~~as set forth herein~~.

## **Article II. Orientation**

The first meeting of each new cycle of the OCCRC shall be an orientation meeting for the members conducted by Orange County staff and Orange County Comptroller staff and will include information on, at minimum, the following topics:

- Florida’s Sunshine Law, Public Records Law and Code of Ethics for Public Officers and Employees;
- Independence of the OCCRC;
- The history of the OCCRC;
- The roles and duties of OCCRC staff;

- Adoption and discussion of bylaws for the OCCRC;
- The role and duties of the OCCRC General Counsel;
- The selection and hiring process for the OCCRC General Counsel and establishment of an RFP evaluation committee.

Copies of the current Orange County Charter, the Board Resolution appointing the members and establishing the OCCRC (current cycle) and the current or proposed bylaws of the OCCRC, as well as other relevant documents as determined by staff shall be provided to OCCRC members at the orientation meeting.

### **Article III. Notice and Conduct of Meetings**

**Section 3.1 Public Meetings/Notice.** All meetings of the OCCRC, including all meetings of its committees, shall be open to the public. Notice of the date, time and place of said meetings shall be made available to the public in advance of the meetings by written notice through whatever methods are to one or more newspapers of general circulation in the County required by law and, by posting the date, time and place upon the OCCRC's website and by posting a notice on the public bulletin board maintained for such purposes at the Orange County Administration Center, at least 48 hours before the meeting. Such notice shall also be posted on all current social media channels maintained by Orange County and provided by email to all members of the public requesting email notification.

**Section 3.2 Scheduling.** The date, time and place of each regular meeting of the OCCRC shall be announced at the preceding regular or special meeting of the OCCRC. The agenda of each regular or special meeting shall include the fixing of the date of the next regular meeting. Special meetings may be called by the Chair of the OCCRC, or by a majority of the OCCRC requesting such special meeting in writing to the clerk of the OCCRC. All such notices shall be emailed to the members of the OCCRC at their email addresses as registered with OCCRC staff. It shall be the responsibility of individual members of the OCCRC to notify staff of any change in email address. The Chair of each committee shall be responsible through OCCRC staff for giving sufficient written or telephone notice of each committee meeting to members and to the public.

A written notice of special meetings of the entire OCCRC shall be given in the same manner as written notices of regular meetings, except that the written notice of a special meeting shall include the purpose for the call of such special meeting.

**Section 3.3 Location.** Regular meetings of the OCCRC shall be at the Orange County Administration Center. The OCCRC will also hold at least one public hearing, which shall also be considered a regular meeting, in each of the districts of the County. The meetings and public hearings of the OCCRC and its committees shall be at facilities large enough to accommodate not only the OCCRC or committee, but also interested citizens. The meeting place chosen shall be open and accessible, and free of any admission charge or restriction to the commission and to the public. Meetings conducted by committees shall be held at an initial location selected by the Chair of the OCCRC after consultation with OCCRC staff. Thereafter, the location of committee meetings shall be selected by the majority of the committee after consultation and agreement of OCCRC staff. ~~Meetings conducted by committees shall be held at a location selected by the chairperson of such committee.~~

**Section 3.4 Agendas.** The agenda for regular meetings and public hearings of the OCCRC shall be generally as follows, subject to amendment or revision by the 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)
- XIII. Unfinished Business
- IX. Remarks of Interested Citizens

X. New Business

XI. Adjournment with Day Fixed for Next Meeting

**Section 3.5 Citizen Participation.** The OCCRC 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 OCCRC. The remarks of any citizen should be germane to the agenda or matters to come before the OCCRC. Each agenda shall include a point during the meeting at which Remarks of Interested Citizens may be made. The OCCRC may impose reasonable limitations on time allotted to any citizen – not to be less than three (3) minutes per citizen - or on the total time to be allotted to public participation during the meeting, although these limitations may be waived at the discretion of the Chair for good cause. Each citizen addressing the Commission is asked to observe the general rules of courtesy and civility, and to avoid repetition of other speakers.

**Section 3.6 Quorum and Majority Action.** A majority of the members of the OCCRC, or of any committee shall constitute a quorum for transaction of business, and a majority of those present shall be sufficient to agree to any motion except as otherwise set forth in these bylaws. The OCCRC shall hold no less than four (4) public hearings prior to presenting proposed Charter revisions and amendments to the public. No proposed ballot issue shall be subject to a final vote of the OCCRC until it has been on the agenda for discussion and consideration at a minimum of two (2) OCCRC meetings.

**Section 3.7 Attendance.** Regular attendance and attention to the business of the OCCRC is expected. ~~The seat of a~~Any member who fails to attend three ~~consecutive regular~~ meetings over a one-hundred and eighty (180) day period, without previous notification, shall be presumed vacant, and the Chair shall be reported by the Chair that fact to the County Commissioner who appointed the member, for ~~confirmation that a vacancy exists and appointment of a possible~~ replacement of that member.

**Section 3.8 Official Rules of Order.** Except as otherwise provided in these bylaws, Robert's Rules of Order Revised (~~75th Anniversary~~most recent edition) shall apply to the OCCRC and its committees in matters of procedural conflict. These rules may be waived by majority vote of the membership of the OCCRC or committee, as applicable.

**Section 3.9 Deliberations.** The OCCRC shall approve, by majority vote, issues to be considered as revisions to the Orange County Charter, and whether said issues shall be assigned to a committee for study and evaluation or shall be evaluated by the entire OCCRC. All issues accepted for evaluation shall be subject to a timeline for completion of work as established by a majority vote of the OCCRC.

A. Decision Agenda. The OCCRC shall approve, by majority of the membership, a schedule and agenda of meetings at which approved issues and approved sample text shall be considered for inclusion in the Orange County Charter. A proposal and text may be approved for submission to voter referendum with the concurrence of a majority vote of the OCCRC.

B. Final adoption and transmittal. After all public meetings and hearings, the OCCRC shall amend if necessary, approve and transmit a final report to the Board containing all proposed charter amendments including ballot titles and summaries of the substance and chief purpose of the measures, with the concurrence of the majority of the members of the OCCRC.

#### **Article IV. Voting**

**Section 4.1 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 the appropriate form filed in writing with the ~~County Manager~~clerk of the OCCRC, as provided by law.

**Section 4.2 Proxy Voting.** No member of the OCCRC or any of its committees shall have the power to vote by proxy. ~~Only those m~~Members physically present shall be entitled to ~~may~~ vote by any method permissible under existing Florida law.

#### **Article V. Duties of Officers**

**Section 5.1 Duties of the Chair.** The Chair shall:

a. Preside at all regular and special meetings of the ~~Commission~~OCCRC;

- b. Represent the ~~Commission~~ OCCRC at all functions and activities so requiring (but without authority to state any position of the ~~Commission~~ OCCRC not previously approved);
- c. Serve as ex-officio (non-voting) member of all committees and may be appointed to serve as a voting member of any committee if so appointed;
- ~~d. Be charged with the responsibility of making all committee assignments and appointment of all chairs of committees;~~
- d. Provide direction to OCCRC staff regarding all procurement matters;
- 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~~ OCCRC.

**Section 5.2 Duties of the Vice Chair.** The Vice-Chair shall perform the duties of the Chair in the event the Chair is absent, has a declared conflict of interest or is unable to serve.

## **Article VI. Committees**

**Section 6.1 Authority.** The OCCRC may authorize, by majority vote, the appointment of committees as it sees fit to plan and administer ministerial functions of the OCCRC, or to investigate and report to the OCCRC on studies of departments or functions of the existing government, or for any other lawful purpose; provided that no committee shall have any final authority vested by law in the OCCRC.

**Section 6.2 Appointment/~~Removal~~.** The majority of the members ~~Chair~~ of the OCCRC shall appoint the members to any committees established by the OCCRC from the membership of the OCCRC. Each committee so established may then select its own chair and vice chair. Committees shall consist of five (5) members. ~~Once selected, committee members may be removed from their committee position upon proper motion by a majority vote of the OCCRC.~~

### **Article VII. Public Outreach**

Every effort shall be made to ensure that proceedings of the OCCRC 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 OCCRC or by its committees shall be coordinated through the Chair and the clerk to OCCRC. Members of the OCCRC may make public or private statements of their personal feelings, attitudes or beliefs at any time. In making such statements, however, members of the OCCRC shall on every occasion make an affirmative statement that their views are not representative of the views of the OCCRC as a whole. The Chair of the OCCRC shall be responsible for announcing the adopted positions of the OCCRC.

### **Article VIII. Amendment**

These bylaws of the OCCRC may be amended by an affirmative vote of ~~two thirds (2/3)~~ the majority of the members of the OCCRC present and voting.