

M E M O R A N D U M

TO: 2016 Pinellas County Charter Review Commission
FROM: Wade C. Vose, Esq., General Counsel
DATE: January 18, 2016
SUBJECT: Overview of Materials Concerning Orange County/City of Orlando Consolidation of Services Study Commission

Pursuant to the Commission's request, I have assembled selected materials relating to the Orange County/City of Orlando Consolidation of Services Study Commission ("CSSC"). In particular, the materials referenced herein relate to the origins of the CSSC, the scope and results of its work, and subsequent concerns raised relating to the CSSC's effectiveness.

Orange County/City of Orlando Consolidation of Services Study Commission

The 2004 Orange County Charter Review Commission placed a charter amendment on the November 2004 general election ballot to create an Orange County/City of Orlando Consolidation of Services Study Commission. Voters approved the amendment, with a vote of 63.1% in favor, 36.9% opposed. That amendment became Section 901 of the Orange County Charter. A copy of the charter language, ballot summary, and statement of intent from the 2004 Orange County Charter Review Commission Final Report is attached as Exhibit "A".

The charter amendment provided in pertinent part that:

The Orange County/City of Orlando Consolidation of Services Study Commission shall be empowered to conduct a comprehensive study of the consolidation of City/County government services and shall be specifically charged with providing a report to the City and County with specific findings and recommendations regarding efficiencies in service delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues.

Pursuant to the charter amendment and its implementing ordinance (a copy of which is attached as Exhibit "B"), the CSSC was composed of 11 members: 5 members appointed by Orange County, 4 members appointed by the City of Orlando, and 2 members that *may* be appointed by a majority vote of the Orange County Legislative Delegation. The CSSC was to be appointed no later than February 1, 2005, and was to adjourn *sine die* no later than May 2, 2006 (18 months following the November 2004 general election). The expenses of the CSSC were paid by Orange County.

Throughout the course of its work, the CSSC formed six committees to study areas the CSSC believed were possible areas of consolidation between the two governments:

- Fire and Emergency Services

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- Parks and Recreation
- Transportation
- Water Utilities
- Purchasing
- Planning

The results of the CSSC's 25 meetings and 56 committee meetings were summarized into a comprehensive 239 page Final Report, providing detailed findings, conclusions, and recommendations as to each of these study areas. For the sake of brevity, the CSSC Final Report will be provided under separate cover. A website was also created for the CSSC, containing in-depth information concerning its deliberations and findings, still available as of the date of this memorandum at <http://apps.ocfl.net/cssc>.

The final report of the CSSC was transmitted to the Orange County Board of County Commissioners and the Orlando City Council, and thereafter the trail starts to run cold. The 2008 Orange County Charter Review Commission considered whether to propose an amendment to the Orange County Charter that would require either implementation of some of the recommendations or the creation of a new standing commission to review the feasibility for the consolidation of services. After receiving information concerning any progress that had been undertaken by the two governments, the 2008 Orange County CRC opted to not propose a charter amendment, but rather recommended that the 2012 Orange County CRC review whether progress had been made. (See excerpt from 2008 Orange County Charter Review Commission Final Report, attached as Exhibit "C".)

The 2012 Orange County CRC formed a Consolidation of Services Committee, which met with the former chairman and vice chairman of the CSSC to inquire into the effectiveness of its recommendations. The report of the committee from that meeting is attached as Exhibit "D". The report indicates that the former chairman of the CSSC believed the CSSC process lacked sufficient follow-up to assess whether the CSSC's recommendations had been implemented and whether those recommendations yielded the anticipated results.

QUESTION #3

- A. **Introduction.** This section of the Final Report Regarding Question #3 pertains to the Charter Review Commission's decision to place a question on the ballot concerning the authority for county commission to create an Orange County/City of Orlando Consolidation of Services Study Commission.
- B. **Ballot Proposal.** The ballot title and question for Question #3 are as follows:

Question 3 Ballot Title -

Orange County/City of Orlando Consolidation of Services Study Commission

Question 3 Ballot Summary -

Shall the Orange County Charter be revised to create an Orange County/City of Orlando Consolidation of Services Study Commission consisting of citizen volunteer members, which shall be charged with conducting a comprehensive study of the consolidation of services between the City of Orlando and Orange County and providing a report to both governments by September 1, 2006?

Yes
 No

- C. **Text of Amendment 2004-3.**

Section 1. Article IX of the Orange County Charter is created to read:

ARTICLE IX

**ORANGE COUNTY / CITY OF ORLANDO
CONSOLIDATION OF SERVICES STUDY COMMISSION**

Section 901. Orange County/City of Orlando Consolidation of Services Study Commission

- A. The Board of County Commissioners ("County") shall appoint five members and the Orlando City Council ("City") shall appoint four members to serve on the Orange County/City of Orlando Consolidation of Services Study Commission. An additional two members may be appointed by majority vote of the Orange County legislative delegation. All members of the Orange County/City of Orlando Consolidation Study Commission shall be electors of the County and shall include a broad base of representation from throughout the community. No elected official shall be appointed as a member of the Orange County/City of Orlando Consolidation Study Commission.

B. The Orange County/City of Orlando Consolidation Study Commission shall be empowered to conduct a comprehensive study of the consolidation of City/County Government services and shall be specifically charged with providing a report to the City and County with specific findings and recommendations regarding efficiencies in service delivery, economies of scale, opportunities for enhanced intergovernmental cooperation between the two local governments, and other related issues. The Orange County/City of Orlando Consolidation Study Commission shall be appointed no later than February 1, of the year after approval of a majority of the electors voting on the question at referendum and shall adjourn sine die no later than 18 months following that election.

C. The Orange County/City of Orlando Consolidation Study Commission shall hold no less than four public hearings prior to presenting its report to the County and City, which report shall be presented no later than September 1 following its adjournment.

D. The Orange County/City of Orlando Consolidation Study Commission shall create and elect appropriate officers, as it deems necessary and proper for the orderly conduct of its specific duties.

E. The County shall pay the reasonable expenses of the Orange County/City of Orlando Consolidation Study Commission. The City shall have the option to provide staff assistance to the Consolidation Study Commission and assist with such expenses.

F. The County may enact an ordinance to adopt the provisions of this section, which shall prevail over any municipal ordinance to the extent of any conflict.

D. Intent Section of Amendment 2004-3. With respect to Amendment 2004-3, the Charter Review Commission expressly declares its intent as follows:

(a) To create a citizen based group with broad representation from organizations not otherwise directly affiliated with the local governments such as the Chamber of Commerce, League of Women Voters, County Watch, Orange County Homeowners Association and like organizations to: (1) review and examine the role of City and County government; (2) identify any problems, inefficiencies or other issues; and (3) provide recommendations for improvements.

QUESTION #4

A. Introduction. This section of the Final Report Regarding Question #4 pertains to the Charter Review Commission's decision to place a question on the ballot concerning the authority for County Commission to impose countywide transportation impact fees.

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

JAN 11 2005 *ag/b*

Exhibit "B"

EFFECTIVE DATE
JAN 18 2005

ORDINANCE NO. 2005-02

AN ORDINANCE PERTAINING TO ORANGE COUNTY, FLORIDA AND THE CITY OF ORLANDO; CREATING THE ORANGE COUNTY/CITY OF ORLANDO CONSOLIDATION OF SERVICES STUDY COMMISSION ("COMMISSION") MANDATED BY THE ORANGE COUNTY CHARTER; SPECIFYING THE NUMBER OF MEMBERS TO SERVE ON THE COMMISSION PURSUANT TO SECTION 901 OF THE ORANGE COUNTY CHARTER; PROVIDING FOR THE TERM OF MEMBERSHIP; PROVIDING FOR THE DUTIES OF THE COMMISSION; PROVIDING FOR ADMINISTRATIVE MATTERS; PROVIDING FOR COMPLIANCE WITH LAW; PROVIDING FOR CONFLICT OF LAWS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 901 of the Orange County Charter created the Orange County/City of Orlando Consolidation of Services Study Commission (hereinafter referred to as "Commission"); and

WHEREAS, Section 901 of the Orange County Charter (hereinafter referred to as "Section 901") authorizes the County to enact an ordinance related to the provisions of Section 901.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY:

Section 1. Composition. The Commission shall consist of nine or eleven members to be appointed no later than February 1, 2005 in the following manner:

- A. Five members to be appointed by the Orange County Board of County Commissioners.
- B. Four members to be appointed by the Orlando City Council.
- C. Two members may be appointed by majority vote of the Orange County Legislative delegation.

D. All members of the Commission shall be electors of Orange County. The Commission shall include a broad base of representation from throughout the community. The Orange County/City of Orlando Consolidation of Services Study Commission shall be a citizen-based group, having representation from organizations not otherwise directly affiliated with local governments, and may include representation of organizations such as the Chamber of Commerce, League of Women Voters, County Watch, Orange County Homeowners Association, and like organizations.

E. No elected official shall be a member of the Commission.

F. Commission members serve on a voluntary basis and shall not receive any compensation except for reimbursement of direct out-of-pocket expenses, if any, as allowed under Florida law and County rules and regulations.

Section 2. Term of membership. Each Commission member shall be appointed to serve until the Commission is adjourned as provided in Section 901.

Section 3. Duties. The Commission is empowered to:

A. Conduct a comprehensive study of the consolidation of City/County government services.

B. Provide a report to the City and County with specific findings and recommendations regarding:

- (i) efficiencies in service delivery
- (ii) economies of scale
- (iii) opportunities for enhanced intergovernmental cooperation
- (iv) other related issues.

Section 4. Administrative matters.

A. *Officers.* The Commission may create and elect appropriate officers as it deems necessary and proper. The Commission may create such committees as necessary to conduct the business of the Commission.

B. *Meetings.* The Commission shall meet as necessary to carry out the business of the Commission. The Commission shall hold no fewer than four public hearings prior to presenting its report to the City and County, which report shall be presented no later than September 1, 2006. The first meeting of the Commission shall be April 6, 2005, in the chambers of the Orange County Board of County Commissioners, located at the Administration Center, 201 S. Rosalind Avenue, Orlando, Florida.

C. *Vacancy.* Any resignation or vacancy occurring during the term of membership shall be filled by the appropriate authority pursuant to section 1 above for the remainder of the membership term.

D. *Administrative Staff.* Orange County shall pay the reasonable expenses of the Commission which shall include, but not be limited to, accommodations for public meetings and hearings, staff assistance, and supplies. The City of Orlando has the option to provide staff assistance to the Commission and assist with such expenses.

E. *County Review.* Within 180 days of the date the report is presented to the County, the Board of County Commissioners shall evaluate the impacts of the Commission Recommendations to County operations, hold appropriate public hearings to obtain citizen input and initiate discussions with the City of Orlando regarding implementation of the Commission Recommendations.

Section 5. Compliance with law. All actions of the Commission shall be in accordance with applicable law, including, but not limited to, the Florida Public Records Law (Chapter 119, Florida Statutes) and Florida Government-in-the-Sunshine Law (Section 286.011, Florida Statutes).

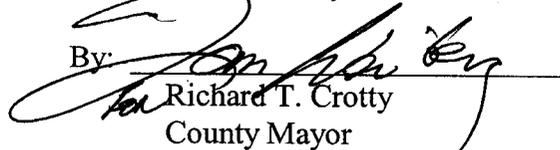
Section 6. Conflict. This ordinance shall prevail over any municipal ordinance to the extent of any conflict.

Section 7. Severability. If any provision of this ordinance or the application thereof to any person, governmental body, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

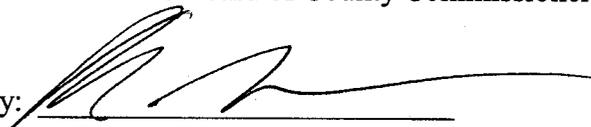
Section 8. Effective date. This ordinance shall take effect pursuant to general law.

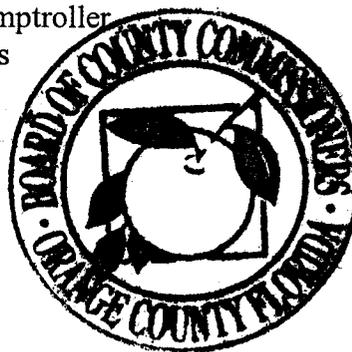
ADOPTED THIS 11th DAY OF JANUARY, 2005.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: 
Richard T. Crotty
County Mayor

ATTEST: MARTHA O. HAYNIE, County Comptroller
As Clerk of the Board of County Commissioners

By: 
Deputy Clerk



Final Action: The Commission voted to place this measure on the ballot at the Commission meeting held on July 28, 2008, by a unanimous 14-0 vote.

15. Enhancing the County's Green Consciousness

Proposal Summary: The 2008 CRC considered whether to propose an amendment to create a section in the Charter that would require the county to undertake more environmentally friendly measures (also referred to as "Going Green"). CRC Commissioners Roger Chapin and Trevor Hall researched the issues and held a subcommittee meeting to hear testimony from Lori Cunnif, Manager of the Orange County Environmental Protection Division. It was the finding of the subcommittee that Orange County is a leader in a number of eco-friendly measures and is already undertaking projects to offer incentives for fuel and energy efficiencies. The subcommittee recommended that the County continues its current practices and that the Charter should not be amended to include any "green" requirements.

Final Action: The Commission voted to make no changes to this section of the charter at the Commission meeting held on April 28, 2008.

16. Consolidation of Services

Proposal Summary: In 2004, the Charter Review Commission placed a measure on the ballot creating a Consolidation of Services Study Commission to evaluate and assess issues related to the consolidation of City of Orlando and Orange County services. The recommendations of that commission were issued in 2006. The 2008 CRC considered whether to propose an amendment to the Charter that would require either the implementation of some of those recommendations or the creation of a new standing commission to review the feasibility for the consolidation of services, and primarily fire services, between Orange County and any municipalities within its jurisdiction. CRC Chairman Richard Morrison was assigned the task to research the issues related to this matter. A subcommittee was held with significant input from city and county officials in which a review of the Consolidation Study Commission's recommendations were considered along with any progress undertaken by the City of Orlando and Orange County since those recommendations were made. After further consideration, it was recommended that the County and the City continue to implement and undertake the recommendations made by the study commission and that perhaps the progress made by these entities be reviewed in 2012 when the next Charter Review Commission reconvenes.

Final Action: The Commission voted to make no changes to this section of the charter at the Commission meeting held on June 23, 2008.

17. Redistricting of County Districts Every Five Years

Proposal Summary: Based upon the testimony of Orange County Commissioner Linda Stewart, the 2008 CRC was asked to consider the feasibility of



2012 ORANGE COUNTY CHARTER REVIEW COMMISSION (CRC)

Report

Consolidation of Services Committee

September 7, 2011

Comptrollers 4th Floor Conference Room

3:00 – 4:00 p.m.

Call to order
Introductions

Pat DiVecchio

Participants

Pat DiVecchio, CRC Member

Earl Denton, CRC Member

Wade Vose, Vose Law Firm

Dana Crosby, County Attorney's Office

Scott Gabrielson, Mateer Harbert Attorneys at Law, Past Chair Consolidation of Services Study Commission (CSSC)

Jimmy Goff, Past Vice Chair CSSC and Chair, Fire Subcommittee

Carol Foglesong, Assistant Comptroller

Linda Rock, Staff person to the CRC

DiVecchio- History of 2004 CRC charter was briefly reviewed. An amendment was placed on the ballot and approved by the voters in the November 2004, passed by overwhelming majority. The CSSC was formed and presented its report. Final report approved by City of Orlando and Orange County. 2008 CRC left open progress made by entities and the CRC 2008 Final report should to be reviewed by next CRC in 2012.

DiVecchio - I want a basic understanding of whether this is the end or are there some opportunities to go forward with this? What the intent of the CRC commission? CSSC did the study. Did you meet the intent and what has happened since then?

Gabrielson - The intent was met, a committee was created with an 18 month existence. However, the requirements did not necessarily include follow up. CSSC had 56 meetings and went our separate ways in May 2, 2006 so no follow-up. A process should have been put in place for follow through. That should have been recommended - to follow up in 6 months' time. The CSSC had a chance to hear from Jacksonville and Tampa, two consolidated FL governments. Essentially CSSC learned the two most important things that lead to consolidation is mass inefficiency and corruption. That drives consolidation. The enemy of consolidation is efficient response of government. From this perspective it was found Orange County and City of Orlando are both efficient governments. Within our committee there were 11 people with a fairly good sampling of professionals. They had two philosophies: unless there is a reason to consolidate don't consolidate OR, if you can prove your case, then

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consolidate. The CSSC was open to consolidation but felt there was a need to prove the case. Some opportunities were found, however, they were small inefficiencies.

Goff - The fire-fighting departments were the big thing based on *Orlando Sentinel* reporting and editorials. CSSC considered consolidating Orange County and the City of Orlando fire departments, and took testimony from everyone and everybody, city fire department, and county fire department. An insurance person was brought in who stated the city had an insurance ISO rating of 2 and now 1 and Orange County has ISO rating 4, which is what drives homeowner insurance rates. Also, what is interesting is the City of Orlando is an urban fire department structured for city services. Orange County is a rural area and services constructed for a rural area. What would you gain combining the two? You would dilute both with the mission each are charged with if they were consolidated.

Another interesting finding was that the City of Orlando fire benefit package was bigger/richer for city fire fighters. Orange County fire fighters wanted consolidation to get the better benefit package. The city benefit package was a big nut.

Both fire departments are very good and should not consolidate. Only problem area found was Lake Nona area. Committee members felt that should be looked into and Goff believes they did but does not know outcome. DiVecchio lives in that area and mentioned that in a 3 mile radius there are 4 fire stations. Goff assumes the CSSC looked into but not sure.

On consolidation, CSSC has no authority on consolidation but they pressed forward. What could the CSSC do or not do?

Gabrielson - Other cities did not want to be involved. Everyone was afraid of the big unknown and afraid of change so the only participants were Orange County and Orlando. Committee members were volunteers, not engineers, etc. but they tried to come up with plans and pass on to planning people.

Denton - Was there a grand plan?

Gabrielson - The only guide was what was recommended by 2004 CRC and what voters wanted. Our only grand plan was looking at consolidation, form the committee and meet with people for information. It was a mammoth task. In hindsight, there should have been a group to come back a year later to issue a formal report of any suggested recommendations and what happened with them. Some recommendations were adopted and are now in the Charter. If each area knew they had to issue report and answer to someone, they would have done something.

For instance, should you consolidate the army and marines? You could come up with a lot of reasons, but there is a core of both units that are important. Statistic - CH2, an engineering firm, did a report which stated that when you consolidate you have immediate deficiencies and you don't know how it's going to work (risk). There is a need for 7-8% cost savings for

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success or don't consolidate. The CSSC said "prove to me that it will ring out enough savings to justify." The CSSC findings say that is true.

DiVecchio - The recommended report of a technical consolidation study of OUC water production for Orlando and Orange County was never done. What was used instead was the City of Orlando OUC consolidation report. The technical consolidation study recommendation was never completed and DiVecchio feels what the OUC report substituted for it was not a good substitute. Need to compare apples to apples, not apples to oranges.

Gabrielson - "If I can control your water I can control you." It would be hard to get another entity to control water utilities. This was the most politically controversial recommendation. You must build up trust. But if it could be done, we could be the model for how counties could be run. Water recommendations ignored totally.

DiVecchio - That's all the questions I had.

Foglesong - Believes there was a decision made by 2004 CRC that they could not compel all of the municipalities to participate in the study. Some kind of agreement/compromise was made for Orlando and Orange County to be the only participants. Other municipalities not interested. Vose stated he will look back and see if there was any documentation on this.

DiVecchio commented nothing in the original charter amendment or notes from 2008 CRC indicate whether or not there were any expectations that CSSC efforts should continue when the initial report was made.

Gabrielson - If there had been follow-up and if there was interest by media it would have triggered more activity.

DiVecchio - Now we have to figure out what to do from here, if anything. I don't want to leave this issue open. DiVecchio will consult with Vose. Wants the 2012 CRC to close out this issue.

DiVecchio - Committee did a very good job. A lot of work and great report.

Goff - Very educational experience to do this consolidation study.

What is future of water? This may be a future issue. Another future issue may be Parks.

The 2008 CSSC Final Report is on the web.

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