

# Orange Soil and Water Conservation District Performance Review

Prepared for:  
The Florida Legislature's  
Office of Program Policy Analysis  
and Government Accountability  
(OPPAGA)

August 19, 2024



# Table of Contents

- Key Takeaways .....2**
- I. Background.....3**
  - I.A: District Description ..... 3
  - I.B: Creation and Governance ..... 5
  - I.C: Programs and Activities ..... 7
  - I.D: Intergovernmental Interactions ..... 7
  - I.E: Resources for Fiscal Year 2022 – 2023..... 7
- II. Findings .....9**
  - II.A: Service Delivery ..... 9
  - II.B: Resource Management..... 10
  - II.C: Performance Management..... 11
  - II.D: Organization and Governance..... 13
- III. Recommendations .....15**
- IV. District Response .....18**

## Key Takeaways

- Orange Soil and Water Conservation District’s Board of Supervisors met most months during the review period (October 1, 2020, through April 30, 2024).
- Orange Soil and Water Conservation District’s programs and activities are limited due to inconsistent funding. The District’s primary program is co-hosting an annual environmental contest for students.
- Orange Soil and Water Conservation District’s only sources of funding are small-dollar private donations or donations from Supervisors. The District has no inventory, facilities, vehicles, or regular expenditures.
- Orange Soil and Water Conservation District has developed a plan and set of goals that can be refined into a strategic plan.

# I. Background

Pursuant to [s. 189.0695\(3\)\(b\)](#), *Florida Statutes*, Mauldin & Jenkins (“M&J”) was engaged by the Florida Legislature’s Office of Program Policy Analysis and Government Accountability to conduct performance reviews of the State’s 49 independent soil and water conservation districts. This report details the results of M&J’s performance review of Orange Soil and Water Conservation District (“Orange SWCD” or “District”).

## I.A: District Description

### Purpose

Chapter [582](#) of the *Florida Statutes* concerns soil and water conservation within the State of Florida. The chapter establishes the processes for creation, dissolution, and change of boundaries of districts; the qualifications, election, tenure, and mandatory meetings of District Supervisors; the oversight powers and duties of the Florida Department of Agriculture and Consumer Services (“FDACS”); and the powers and purpose of the districts. The District’s statutory purpose, per [s. 582.02](#), *Florida Statutes*, is “to provide assistance, guidance, and education to landowners, land occupiers, the agricultural industry, and the general public in implementing land and water resource protection practices. The Legislature intends for soil and water conservation districts to work in conjunction with federal, state, and local agencies in all matters that implement the provisions of [ch. 582](#), *Florida Statutes*.”

The District’s mission statement, as listed on the website, states “As an agency of the State, the Orange Soil and Water Conservation District is responsible for developing and carrying out locally led programs for the conservation, protection, and development of soil, water, and land for agricultural purposes.” The District also describes its purpose in the preface of its planning document, stating “The purpose of the Orange Soil and Water Conservation District is to provide leadership in the conservation of the County’s soil, water and related natural resources, through local involvement and community education.”

### Service Area

When the District was established in 1945, the service area included the entirety of Orange County, and the current borders and territory remain the same.

The District’s service area includes unincorporated Orange County, the County’s 10 cities and three towns,<sup>1</sup> and part or all of the following conservation areas:

- Charles H. Bronson State Forest
- Hal Scott Regional Preserve and Park
- Lake Apopka Restoration Area
- Rock Springs Run State Reserve
- Seminole Ranch Conservation Area
- Shingle Creek Management Area
- Split Oak Forest Wildlife and Environmental Area
- Tosohatchee Wildlife Management Area
- Wekiwa Springs State Park

---

<sup>1</sup>Cities: Apopka, Bay Lake, Belle Isle, Edgewood, Lake Buena Vista, Maitland, Ocoee, Orlando, Winter Garden, Winter Park. Towns: Eatonville, Oakland, Windermere.

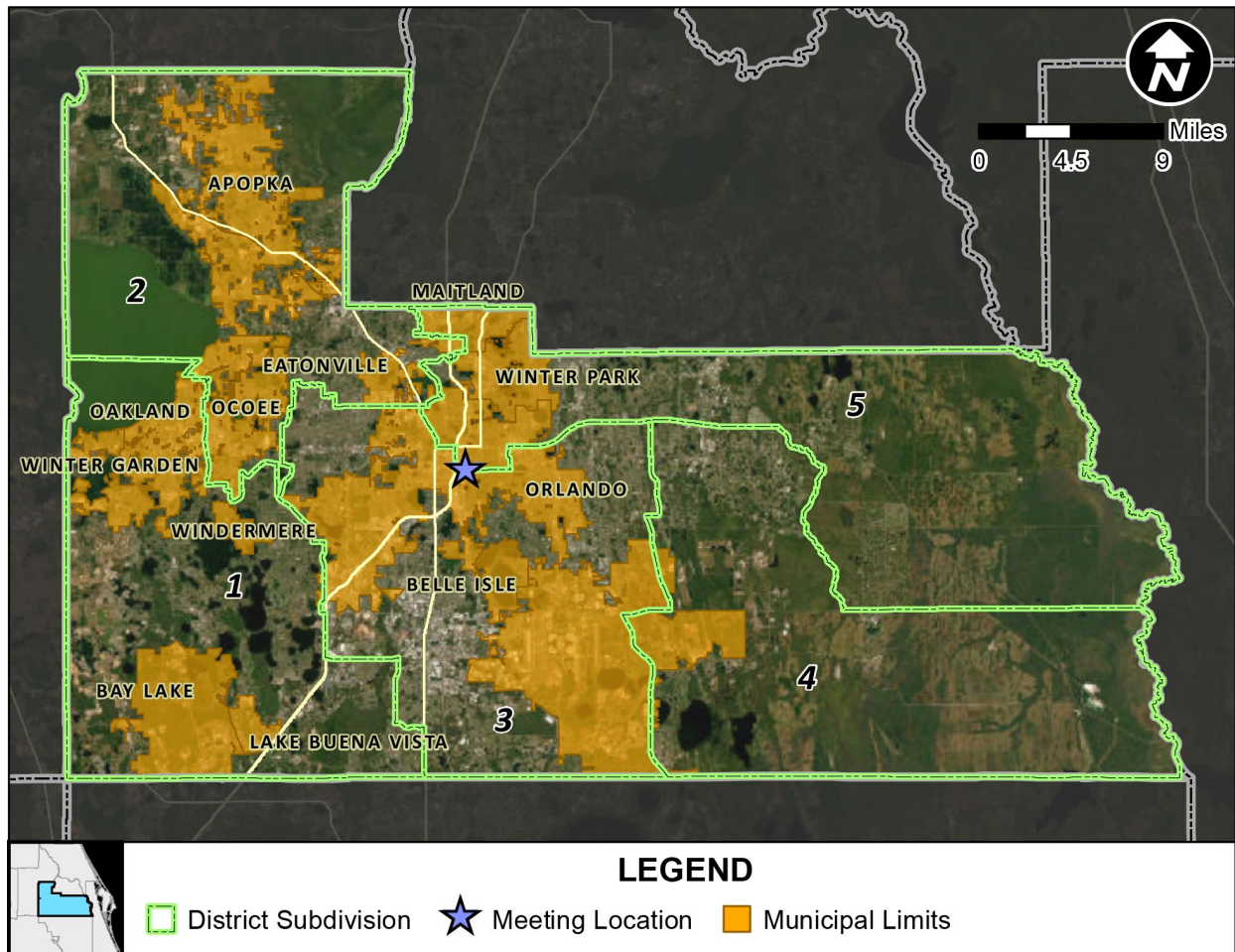


The District is bounded on the north by Seminole County, east by Brevard County, northeast by Volusia County, south by Osceola County, southwest by Polk County, and west by Lake County. The total area within the District is 1,003 square miles, with 903 square miles of land and 100 square miles of water.

The District meets in the Orange County Board of County Commissioners Chambers at 201 South Rosalind Avenue, Orlando, Florida 32801 – the Orange County Administration Building.

Figure 1 is a map of the District’s service area, based on the map incorporated by reference in [Rule 5M-20.002\(3\)\(a\)33, Florida Administrative Code](#), showing the District’s boundaries, electoral subdivisions, major municipalities within the service area, the District’s principal office.

**Figure 1: Map of Orange Soil and Water Conservation District**



*(Source: Orange County GIS, Florida Commerce Special District Profile)*

### Population

Based on the Florida Office of Economic and Demographic Research population estimates, the population within the District’s service area was 1,492,951 as of April 1, 2023.

## District Characteristics

The Orange Soil and Water Conservation District is located in central Florida. The economy is diversified and supported by the tourism, hospitality, healthcare, education, and technology sectors. The District is primarily urban, with major urban centers in Orlando and its surrounding suburbs. There are rural areas, especially in the western and northern parts of the District, which support agricultural activities including nurseries, citrus groves, and livestock operations.<sup>2</sup> While the urban areas dominate the service area, these agricultural lands are crucial for the local economy and conservation efforts. The District experiences a humid subtropical climate, with hot, humid summers and mild winters. Environmental threats include hurricanes, heavy rainfall leading to flooding, and occasional droughts. These climate conditions significantly impact agricultural productivity and conservation efforts. The topography of Orange SWCD is generally flat with some gently rolling hills. The region includes numerous lakes and wetlands, which play a crucial role in local water management and biodiversity conservation.<sup>3</sup>

Given the mix of urban and rural landscapes, the community's needs are diverse. Urban areas require robust stormwater management and pollution control, while rural areas need support for sustainable agriculture and water conservation practices.

## I.B: Creation and Governance

Orange SWCD was chartered on July 23, 1945, as the Orange Soil Conservation District, following a successful referendum of local landowners and subsequent petition to the Florida State Soil Conservation Board.<sup>4</sup> The District was created under the authority of the State Soil Conservation Districts Act (herein referred to as “ch. [582, Florida Statutes](#)”).<sup>5</sup> The Florida Legislature amended ch. [582, Florida Statutes](#), in 1965, to expand the scope of all soil conservation districts to include water conservation, which renamed the District to the Orange Soil and Water Conservation District.<sup>6</sup>

The District is governed by a Board of Supervisors. Supervisors are unpaid, nonpartisan public officials elected by the voters within the service district. M&J analyzed the Supervisors' elections, appointments, and qualifications within the in-scope period pursuant to applicable *Florida Statutes*.<sup>7</sup>

---

<sup>2</sup> UF/IFAS Extension Orange County. 2023. *Agriculture/Natural Resources/Commercial Horticulture*. August 17. Accessed May 19, 2024. <https://sfyl.ifas.ufl.edu/orange/agriculture-and-natural-resources/>.

<sup>3</sup> United States Department of Agriculture. 1989. “Soil Survey of Orange County, Florida.” Soil Conservation Service, Washington.

<sup>4</sup> McLendon, H. S. 1947. *Biennial Report of the State Soil Conservation Board: January 1, 1945 - June 30, 1947*. Biennial Report, Tallahassee: Florida State Soil Conservation Board.

<sup>5</sup> s. [582, Florida Statutes](#)

<sup>6</sup> ch. [65-334, Laws of Florida](#)

<sup>7</sup> Including s. [582.15, Florida Statutes](#), s. [582.19, Florida Statutes](#), Rule [Rule 5M-20.002, Florida Administrative Code](#), and ch. [2022-191, Laws of Florida](#)

As of April 30, 2024, the District has five Supervisors. Section [582.19\(1\)](#), *Florida Statutes*, requires Supervisors to sign an affirmation that they met the residency and qualification requirements. M&J requested the affirmations as part of a public records request to the Orange County Supervisor of Elections, which were provided. M&J is able to confirm that all Supervisors who have been seated since January 2023 have signed an affirmation of qualification prior to running that was submitted to the Orange Supervisor of Elections Office. During the review period (October 2, 2020, through April 30, 2024), there have been two vacancies on the Board, as illustrated in Figure 2. The District had vacancies from February 2022 to May 2022 and in early 2024 which was filled effective April 12, 2024. Additional assessment of the District’s electoral patterns is detailed in section II.D (Organization and Governance) of this report.

**Figure 2: Supervisor Terms**

Seat	FY21				FY22				FY23				FY24		
	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3
1	Nathaniel Douglas								Samuel Chambers						
2	Karolyn Campbell								Kim Buchheit						
3	Raquel Lozano								Susan Collins						
4	Dawn Curtis								Karolyn Campbell						
5	Aliana Slife						Austin Valle					VV			

**Legend for FY24**

Vicki Vargo (VV)

(Source: District meeting minutes)

During the review period, the District met 37 times<sup>8</sup> and met the mandatory meeting requirement of [s. 582.195](#), *Florida Statutes*, to meet at least once per calendar year with all five Supervisors for 2023 (January, February, March, April, May, July, August, November). The District held a meeting with all Supervisors present in April 2022, but at a time when the Board only had four Supervisors. The vacancy was filled in May 2022, but there were absences at the rest of the meetings held in 2022. The District additionally met one time without a quorum, during which no votes were taken. The District posts meeting notices on its public Facebook page, in the Florida Register as submitted through the Association of Florida Conservation Districts, and physically on a bulletin board in the Orange County Administrative Building. Additional assessment of the District’s pattern of providing meeting notices statutes is detailed in section II.D (Organization and Governance).

Neither Orange County nor the in-district municipalities have adopted any local regulations for the District.

<sup>8</sup> Meetings occurred in January, February, March, April, May, June, July, August, September, October, November, and December 2021; January, February, March, April, May, July, October, and November 2022; January, February, March, April, May (twice), June, July, August, September, October, November, December 2023; January, February, March, and April 2024.

## I.C: Programs and Activities

The following is a list of activities participated in by the District within the review period (October 1, 2020, through April 30, 2024), along with a brief description of each program or activity. The District's activities will be described in detail in section II.A (Service Delivery).

- Envirothon
  - Envirothon is an outdoor competition in which students develop hands-on skills related to aquatic ecology, forestry, soil and land use, wildlife, and other current environmental issues.
- Outreach and Advocacy
  - District Supervisors also perform outreach and advocacy work, attending local events such as park clean-ups to participate in the events and advocate for water conservation. The District has previously hosted land judging contests and speech competitions, but these events stopped before the review period and have not resumed.

## I.D: Intergovernmental Interactions

The following is a summary of federal agencies, state agencies, and/or public entities with which the District interacts, including the means, methods, frequency, and purpose of coordination and communication.

### Natural Resource Conservation Service

The District regularly communicates and interacts with a District Conservationist from the Natural Resources Conservation Service ("NRCS"), who covers both Orange and Osceola Counties. The NRCS representative attended many District Board meetings throughout the review period, relaying information from NRCS. District meeting minutes indicate there were discussions between the District and NRCS about signing a Memorandum of Agreement in 2021, but this agreement was never executed.

### Osceola and Seminole Soil and Water Conservation Districts

The Orange Soil and Water Conservation District collaborates with the Osceola and Seminole Soil and Water Conservation Districts to co-host the annual regional Envirothon. Seminole Soil and Water Conservation District is the primary host of the event, with the other two districts providing volunteer assistance.

## I.E: Resources for Fiscal Year 2022 – 2023

The following figures quantify and describe the District's resources for Fiscal Year 2022 – 2023 (October 1, 2022, through September 30, 2023, herein referred to as "FY23"). Figure 3 shows the total amount of revenues, expenditures, and long-term debt maintained by the District in FY23. Figure 4 shows the number of paid full-time and part-time staff, contracted staff, and volunteers by employer. Figure 5 shows the number and type of vehicles, number and type of major equipment, and number and type of facilities owned, leased, and used by the District. Descriptions of the District's resources and the change in resources over the review period (October 1, 2020, through April 30, 2024) will be included in section II.B (Resource Management) of this report.

**Figure 3: FY23 Finances**

	Revenues	Expenditures	Long-term Debt
<b>Total for Year</b>	\$262.46	\$379.17	\$0

*(Source: District Bank Statements)*

**Figure 4: FY23 Program Staffing**

	Full-time Staff	Part-time Staff	Contracted Staff	Volunteers
<b>District-employed Staff</b>	0	0	0	0
<b>Board of County Commissioners-employed staff</b>	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

*(Source: District Supervisors)*

**Figure 5: FY23 Equipment and Facilities**

	Number	Ownership Status	Type(s)
<b>Vehicles</b>	0	N/A	N/A
<b>Major Equipment</b>	0	N/A	N/A
<b>Facilities</b>	1	1 Meeting Space owned by Orange County and used by the District at no cost	1 Meeting Space

*(Source: District Meeting Minutes)*



## II. Findings

The Findings sections summarize the analyses performed, and the associated conclusions derived from M&J's analysis. The analysis and findings are divided into the following four subject categories:

- Service Delivery
- Resource Management
- Performance Management
- Organization and Governance

### II.A: Service Delivery

#### Overview of Services

The District's only program it participated in within the review period (October 1, 2020, through April 30, 2024) is the Envirothon, an outdoor competition encouraging student interest in natural resource conservation and environmental management. Students in grades 9-12 work in teams to compete at a local or regional level and develop hands-on skills related to five core environmental subjects – aquatic ecology, forestry, soil and land use, wildlife, and a current environmental issue selected by competition organizers each year.

The event is primarily hosted by Seminole SWCD, with Osceola SWCD and Orange SWCD volunteering staff to help host the event. Students from all three school districts participate. The event was canceled in FY21 due to the Covid-19 pandemic and in FY22 due to a lack of staffing, but the event was hosted in FY23 with 105 students participating. District Supervisors also volunteered at the statewide Envirothon, conducted at the University of Florida Institute of Food and Agricultural Sciences Austin Cary Forest Campus in Gainesville in 2023, to assist and learn about event logistics. The District participated in the 2024 Envirothon and contributed \$200 to the event hosted by Seminole Soil and Water Conservation District. As the District lacks dedicated funding, the District's contributions to its collaborative activities are a time investment on the part of District Supervisors.

#### Analysis of Service Delivery

M&J evaluated each of the District's programs or activities, assessed whether the program or activity aligns with the District's statutory purpose and authority, and referenced the statute most relevant to each program or activity. The program and activities identified by M&J are within the scope of the District's statutory purpose and authority. A program meant to provide or assist in providing training and education (Envirothon) aligns with the District's purpose of conducting conservation education programs.

The District's first program-related expenditure during the review period was in February 2024, contributing \$200 to the regional Envirothon. M&J has not identified any alternate methods for the District to provide services that would reduce costs or improve performance.

#### Comparison to Similar Services/Potential Consolidations

The following soil and water conservation programs are provided by other public and nonprofit entities within the District's service area:

- The University of Florida's Institute of Food and Agricultural Sciences Extension office in Orange County partners with the local 4-H chapter to provide agriculture and conservation educational programming for youth within the District's service area, and serves as a resource between agriculture scientists and the local community.

- The Natural Resources Conservation Service provides technical advice and data collection assistance to landowners implementing conservation practices.
- Orange County Utilities Water Division undertakes some water conservation initiatives, like publishing an annual Drinking Water Report and running a Toilet Voucher Incentive Program to incentivize residents to replace their toilets with water-efficient ones.

The District does not have consistent funding, and therefore, the event the District hosts is in coordination with other groups including neighboring soil and water conservation districts and Orange County.

## II.B: Resource Management

### Program Staffing

The District does not employ or pay the salary of any full-time, part-time, or contract employees. The District has minimal expenditures, and the District's primary form of contribution to the events it participates in is time dedicated by the Supervisors. The District indicated in interviews with M&J that, were the District to receive funding, one of the District's first priorities would be to hire a part-time administrative position to help with administrative tasks including communications outreach and website maintenance.

### Equipment and Facilities

Orange SWCD does not own or rent any equipment or facilities. The District Board holds its meetings in the Orange County Administrative Building, at no cost, through a verbal agreement with the Orange County Board of County Commissioners.

### Current and Historic Revenues and Expenditures

Orange SWCD does not develop an annual budget or track annual revenue and expenditure data. In order to determine revenues and expenditures during the review period, M&J reviewed bank statements provided by the District. Orange SWCD does not have an annually recurring revenue source or consistent expenditures.

The expenditures the District has made within the review period were for nameplates and business cards for District Supervisors, dues to the Association of Florida Conservation Districts ("AFCD"), and the 2024 Envirothon. The District's total expenditures within the review period were \$1,139. The District's primary source of funding is donations from District Supervisors or private donations. The District received a \$350 donation in August 2022 from a private individual with the specification that the funds be used to pay AFCD dues, which they were. The District opened an online donation portal in 2024, through which it raised \$100 in February 2024. The District's total revenues during the review period were \$943; and the District had \$793 in cash reserves in February 2024, the latest month of financials provided by the District.

## Trends and Sustainability

District expenditures have exceeded revenues within the review period, which has decreased the District's cash reserves. This is a major risk to District longevity, and will need to be addressed for the District to become sustainable. The source of many of the District's early expenditures, bank fees, has been addressed with the District changing bank accounts in FY23. Since this change, the District's only expenditures have been on Association of Florida Conservation District Dues and Envirothon. As there is little room for additional expenditure reduction, the District will need to obtain a consistent and reliable source of revenue to improve its long-term financial position and continue its ability to aid the community. Orange SWCD should explore opportunities to secure funding from entities such as the Florida Department of Agriculture and Consumer Services, Orange County Board of County Commissioners, or solicit donations from private donors.

**Recommendation:** The District should identify new sources of revenue to fund District outreach and conservation programming. The District could consider identifying grant opportunities from the U.S. Department of Agriculture, the Florida Department of Agriculture and Consumer Services, the National Association of Conservation Districts, or another public or private conservation-related entity. The District could also consider proposing an agreement with the Orange County Board of County Commissioners to allow for the District to present an annual budget request, which would be subject to approval by the Board of County Commissioners.

## II.C: Performance Management

### Strategic and Other Future Plans

The District drafted a Long-Range Plan for the District in 2023, listing District priorities for the next five years. The plan lists the District's stated purpose, its long-term priorities, and possible future opportunities. The copy of this plan provided to M&J was unsigned, so M&J cannot affirm that this plan has been formally adopted by the Board. The District has not developed the actionable steps necessary to label this a strategic plan, which would require a clear statement of District goals and actionable steps to achieve those goals.

**Recommendation:** The District should consider amending its current long-range plan to better establish long-term and short-term priorities based on the District's purpose and vision. The long-range plan should address the needs of the community and the changing land use patterns within the District's service area. A strategic plan does not need to be extensive as long as the document provides the District with direction for addressing the community's needs.

### Goals and Objectives

The Long-Range Plan developed by the District is primarily a list of existing local and regional events the District would like to collaborate with:

- Youth Education & Outreach – Envirothon, Poster Contests, Speech Contests
- Community Education – Veg-Fest, Orlando Mayor's Neighborhood and Community Summit
- Community Service – Park clean-ups, Orange County Commissioner volunteer events, hurricane recovery

The Long-Range Plan also articulates District goals regarding Board Resiliency. It is the Board’s intention to develop standard operating procedures, maintain consistent fundraising efforts, develop a base of volunteers, and explore opportunities to fund a full-time staff member. The Long-Range Plan includes a list of future opportunities, described in the document as “long range” District goals. These goals include direct land conservation, development of a base of constituent-based resources, development of a volunteer base that can be mobilized on a large scale, improvement of District communications with constituents, and increasing District involvement in the development and maintenance of urban agriculture (gardening in urban areas such as rooftops and community gardens).

### Performance Measures and Standards

Orange SWCD does not have any performance measures or standards, written or unwritten, related to program offerings that the District provides or activities that the District participates in. The District is not party to any contracts that contain required performance metrics to track.

**Recommendation:** The District should consider identifying performance measures and standards as part of the refinement of a strategic plan, such as number of interactions at outreach events. The District should then track the identified performance measures against established standards and use the collected data to monitor the District’s performance, evaluate progress toward the goals and objectives the District adopts, and support future improvements to the District’s service delivery methods.

### Analysis of Goals, Objectives, and Performance Measures and Standards

The District’s 2023 Long-Range Plan serves as a starting point for District objectives and the short and long term. These listed objectives are very high-level, and list potential events the District could participate in to facilitate community outreach and youth education, but includes no actionable or measurable steps. The Long-Range Plan requires additional refinement to be considered a strategic plan. Individual events the District would like to participate in, as well as the Board Resiliency goals, will need to include actionable steps with a timeline for completion. When developing this plan, the District should identify performance measures it can track to accurately gauge District progress towards its goals.

As stated earlier in this section of the report, M&J recommends that the District consider revising its current long range plan into a strategic plan, and subsequently develop performance measures and standards to provide the District direction and ensure that current and future programs and activities align with its intended statutory purpose, as defined in [s. 582.02\(4\)](#), *Florida Statutes*.

### Annual Financial Reports and Audits

Orange SWCD is required per [s. 218.32](#), *Florida Statutes*, to submit an annual financial report to the Florida Department of Financial Services within nine months of the end of the District’s fiscal year (September 30).

Pursuant to [s. 218.32](#), *Florida Statutes*, the District is required to submit an Annual Financial Report every fiscal year by the compliance deadline, which is nine months after the fiscal year end (September 30). The District filed its FY21 Annual Financial Report within the compliance deadline, but its FY22 Annual Financial Report was filed over a month after the compliance deadline. As of writing this report, the compliance deadline of June 30, 2024, for FY23 has passed and no Annual Financial Report has been submitted by the District.

Orange SWCD does not meet the criteria in [s. 218.39, Florida Statutes](#), to require the District to submit an annual financial audit report, as the District’s annual revenues and combined expenditures and expenses are below the \$50,000 threshold, the lowest requirement threshold for special districts.

**Recommendation:** The District should consider refining its timeline for preparing and submitting the Annual Financial Report to the Florida Department of Financial Services to ensure that the District is meeting the requirements of [s. 218.32\(1\)\(a\), Florida Statutes](#).

### Performance Reviews and District Performance Feedback

During the review period, Orange SWCD did not receive any performance reviews for District operations. The District has not engaged in any documented collection of feedback from members of the public or other stakeholders regarding its programs and activities. As the District develops its strategic plan, it should work to implement ways to receive feedback from participants. This will help the District refine its service offerings to meet constituent needs and identify problems it needs to address in its operations.

**Recommendation:** The District should consider implementing a system for collecting feedback from partners, agricultural producers that the District serves, and other conservation stakeholders. As the District develops and implements programming, the District should consider creating a process to systematically review feedback. The District should consider using the findings from the review of feedback to refine the District’s future service delivery methods.

## II. D: Organization and Governance

### Election and Appointment of Supervisors

Supervisors are required by [s. 582.19\(1\)\(b\), Florida Statutes](#), to sign an affirmation that they meet certain residency and agricultural experience requirements. These signed affirmations are required of both elected and appointed Supervisors. Beginning with the November 2022 Supervisor elections, Chapter [2022-191, Laws of Florida](#), amended [s. 582.19\(1\), Florida Statutes](#), and required that candidates for election to a Supervisor seat had to live in the district and have agricultural experience, as defined by the Florida Legislature. Candidates in the November 2022 election were required by [s. 582.19\(1\)\(b\), Florida Statutes](#), to sign an affirmation that they met the residency and qualification requirements.

Since the start of the January 2023 term, one Supervisor has been appointed. In response to the performance review, the District provided M&J with notarized affirmations of qualification for the five supervisors who have held seats since January 2023. The affirmations were notarized in June 2022, prior to the election. The affirmations were filed with the Orange Supervisor of Elections.

Two of the five Supervisor seats are up for election in November 2024.

### Notices of Public Meetings

Section [189.015, Florida Statutes](#), requires that all Board meetings be publicly noticed in accordance with the procedures listed in ch. [50, Florida Statutes](#). This chapter has been amended twice during the review period, and M&J reviewed for compliance with the governing statute in effect at the time of each meeting date and applicable notice period.



The District submits meeting notices to the Association of Florida Conservation Districts to be posted in the Florida Register. Notices are also physically posted on a bulletin board in the Orange County Administrative Building as well as the District's public Facebook page. No other notices have been posted in local newspapers, confirmed by a review of local public notice archives.

M&J's review concluded that the District notices did not meet the requirements of the version of ch. [50, Florida Statutes](#), in effect at the time of each meeting date and applicable notice period. Prior to January 2023, ch. [50, Florida Statutes](#), required any board located in a county with a county-wide newspaper to publish meeting notices in that newspaper. The District did not meet this requirement for meetings held in 2021 and 2022. Since January 2023, ch. [50, Florida Statutes](#), has permitted publication of meeting notices on a publicly accessible website (such as the Florida Administrative Register) as long as the board publishes a notice once a year in the local newspaper identifying the location of meeting notices and stating that any resident who wishes to receive notices by mail or e-mail may contact the board with that request. The District did meet this requirement for meetings held in 2023 and 2024.

Failure to provide appropriate notice may deny the public an opportunity to attend meetings and participate in District business. Violation of ch. [50, Florida Statutes](#), may subject District Supervisors and staff to penalties, including fees, fines, and misdemeanor charges, as outlined in [s. 286.011, Florida Statutes](#). Additionally, business conducted at such meetings may be invalidated.

**Recommendation:** The District should consider improving its meeting notice procedures to ensure compliance with [s. 189.015](#) and ch. [50, Florida Statutes](#), that governed notice requirements at the time of each meeting date's applicable notice period. The District should retain records that document its compliance with the applicable statutes.

### Retention of Records and Public Access to Documents

The District maintains records of meeting agendas and minutes from January 2021 through the most recent meeting as of this report (February 2024), and was able to provide the agendas and minutes to M&J upon request. If meeting minutes prior to January 2021 are maintained by the District, they were not provided to M&J. The District posts meeting agendas on its public Facebook page, but not meeting minutes. The District website only contains meeting minutes for the January, February, and March 2023 meetings. The District was able to provide the other existing records and documentation requested by M&J for this performance review, and includes the appropriate link to the District's Annual Financial Reports on its website. Due to the lack of available meeting minutes prior to January 2021 and the minimal posting of meeting minutes publicly, M&J concludes that there are notable issues with the District's records retention and public access to information as required [s. 119.021, Florida Statutes](#). District Supervisors have stated to M&J that an issue during a website reconfiguration, performed in the review period, was the cause of data loss and loss of access to some stored documents.

**Recommendation:** The District should consider improving record retention procedures and access to public records in accordance with ch. [119, Florida Statutes](#), to enhance transparency and avoid loss of institutional knowledge. The District could consider duplicating records to be stored in separate locations to mitigate loss of records due to technology failures, accidental disposition of records, or natural disasters and other acts of God. The District could further consider designing or acquiring an electronic recordkeeping system, either independently or through partnership with a local government, another soil and water conservation district, or other public entity.

### III. Recommendations

The following table presents M&J’s recommendations based on the analyses and conclusions in the Findings sections, along with considerations for each recommendation.

Recommendation Text	Associated Considerations
<p>The District should identify new sources of revenue to fund District outreach and conservation programming. The District could consider identifying grant opportunities from the U.S. Department of Agriculture, the Florida Department of Agriculture and Consumer Services, the National Association of Conservation Districts, or another public or private conservation-related entity. The District could also consider proposing an agreement with the Orange County Board of County Commissioners to allow for the District to present an annual budget request, which would be subject to approval by the Board of County Commissioners.</p>	<ul style="list-style-type: none"> <li>• Potential Benefit: Expand the District’s ability to provide services to the community.</li> <li>• Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>• Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>• Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>
<p>The District should consider amending its current long-range plan to better establish long-term and short-term priorities based on the District’s purpose and vision. The long-range plan should address the needs of the community and the changing land use patterns within the District’s service area. A strategic plan does not need to be extensive as long as the document provides the District with direction for addressing the community’s needs.</p>	<ul style="list-style-type: none"> <li>• Potential Benefit: An actionable roadmap to address the community’s needs and a more effective method of planning and goal setting.</li> <li>• Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>• Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>• Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>

Recommendation Text	Associated Considerations
<p>The District should consider identifying performance measures and standards as part of the refinement of a strategic plan, such as number of interactions at outreach events. The District should then track the identified performance measures against established standards and use the collected data to monitor the District’s performance, evaluate progress toward the goals and objectives the District adopts, and support future improvements to the District’s service delivery methods.</p>	<ul style="list-style-type: none"> <li>• Potential Benefit: A more effective assessment of the District’s performance towards goals and objectives.</li> <li>• Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>• Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>• Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>
<p>The District should consider refining its timeline for preparing and submitting the Annual Financial Report to the Florida Department of Financial Services to ensure that the District is meeting the requirements of <a href="#">s. 218.32(1)(a), Florida Statutes</a>.</p>	<ul style="list-style-type: none"> <li>• Potential Benefit: Avoiding penalties from Department of Financial Services for late submission</li> <li>• Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>• Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>• Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>
<p>The District should consider implementing a system for collecting feedback from partners, agricultural producers that the District serves, and other conservation stakeholders. As the District develops and implements programming, the District should consider creating a process to systematically review feedback. The District should consider to use the findings from the review of feedback to refine the District’s future service delivery methods.</p>	<ul style="list-style-type: none"> <li>• Potential Benefit: An effective way to collect constituent feedback to better refine District operations to meet their needs.</li> <li>• Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>• Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>• Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>

Recommendation Text	Associated Considerations
<p>The District should consider improving its meeting notice procedures to ensure compliance with <a href="#">s. 189.015</a> and <a href="#">ch. 50, Florida Statutes</a>, that governed notice requirements at the time of each meeting date’s applicable notice period. The District should retain records that document is compliance with the applicable statutes.</p>	<ul style="list-style-type: none"> <li>● Potential Benefit: Avoiding potential compliance issues and the resulting penalties.</li> <li>● Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>● Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>● Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>
<p>The District should consider improving record retention procedures and access to public records in accordance with <a href="#">ch. 119, Florida Statutes</a>, to enhance transparency and avoid loss of institutional knowledge. The District could consider duplicating records to be stored in separate locations to mitigate loss of records due to technology failures, accidental disposition of records, or natural disasters and other acts of God. The District could further consider designing or acquiring an electronic recordkeeping system, either independently or through partnership with a local government, another soil and water conservation district, or other public entity.</p>	<ul style="list-style-type: none"> <li>● Potential Benefit: Improving transparency and avoiding potential loss of important records.</li> <li>● Potential Adverse Consequences: M&amp;J does not anticipate any adverse consequences as a result of implementation of the recommendation.</li> <li>● Costs: M&amp;J does not anticipate any additional funding needed.</li> <li>● Statutory Considerations: M&amp;J does not anticipate any legal, operational, or other issues that may arise from the proposed change.</li> </ul>

## IV. District Response

Each soil and water conservation district under review by M&J was provided the opportunity to submit a response letter for inclusion in the final published report. Orange SWCD's response letter is provided on the following pages.



**Kim Buchheit, Secretary**  
Orange County  
Soil and Water Conservation District  
email: kimbuchheit2022@gmail.com



## **MEMORANDUM – STATEMENT OF RESPONSE**

To: Office of Program Policy Analysis and Government Accountability (OPPAGA)  
For: All Interested Parties and the Public  
Date: August 12, 2024 (Released for Publication)  
Submitted to: Maudlin & Jenkins (by email)

### **ORANGE SOIL AND WATER CONSERVATION DISTRICT STATEMENT OF RESPONSE TO REPORT**

To Whom It May Concern:

This information is being provided as Orange County Soil and Water Conservation District Board's "Statement of Response" to the Draft Report (dated June 17, 2024) content provided for our review on July 23, 2024 (version 1) and on August 8, 2024 (version 2) and on August 9, 2024 (version 3).

Prior to this communication, we had provided additional input on July 19, 2024, on July 31, 2024 and on August 8 and 9, 2024. Some of our suggested revisions to the Draft Report content were addressed in various versions, however, not all were incorporated. Several items of material substance in the Final Report (version 3, provided on August 9, 2024) are incorrect or do not accurately represent verifiable facts. We appreciate the opportunity to offer a response that will be published in the Final Report to identify remaining errors and concerns.

First, we would like to call attention to the review period which started FY2021. We were not asked for any 2020 documents and therefore did not provide any.<sup>1</sup> Statements in the Report that refer to the lack of information for 2020 should be disregarded as irrelevant, as we were not asked for any 2020 materials. Had we been asked, our response would have been that there were no records of in person meetings in 2020 after February of 2020 due to COVID-19 restrictions and the lack of activity at that time for non-essential functions.

It should be noted that no mention was made of the impact of COVID-19 restrictions during the review period. Any issues that relate to calendar year 2020, and to some extent 2021, should include a special note of the unusual circumstances that limited "in-person" and public meetings and community events during the affected period. Perhaps COVID-19 would be considered a "natural disaster" and/or other "act of God," but it does not appear to be referenced, defined or considered anywhere in the Report. Certainly, COVID-19 was an historic event that impacted operations during the review period and deserves a mention (if only for posterity), for others that may be looking at this material in the future and wondering about the lack of activities during the midst of a pandemic and as recovery occurred.

The items listed in the bullets below are more specific concerns, and we appreciate the opportunity to provide these corrections and clarifications.

- "Figure 1: Map of Orange Soil and Water Conservation District" was corrected to show the five (5) District Subdivisions which can be found at the following link:

---

<sup>1</sup> See Request, "Soil & Water Conservation District Initial Information Request, Dated January 23, 2024," provided by Maudlin & Jenkins

<https://www.flrules.org/gateway/readRefFile.asp?refId=16591&filename=Orange%20Soil%20and%20Water%20Conservation%20Districts%20Subdivision%20Map.pdf>

Orange Soil and Water Conservation District is identified in Florida Administrative Code, Rule 5M-20.002(3)(b)4 (not to be confused with Orange Hill Soil and Water Conservation District which Maudlin & Jenkins has incorrectly referred to in the Report as 5M-20.002(3)(a)33).

- “District Characteristics” section does not accurately reflect the well-known rural character and agricultural activities that are historically significant and still prominent in the eastern portion of Orange County.
- “Current and Historic Revenues and Expenditures” section, paragraph 2, sentence 4, should read,  
*The District opened an online donation portal in 2023, through which...*
- “Annual Financial Reports and Audits” section, paragraph 2, has date inconsistencies with the Review Period and Report publication date. For clarification, as of July 14, 2024, the District has confirmed that the required Annual Financial Report for 2023 has been submitted and accepted.
- Regarding “Notices of Public Meetings,” we provided Maudlin & Jenkins (M&J) with proof of publication of Meeting Notices for 2023 as an example of our compliance (Florida Administrative Register Notice, #26816637). M&J failed to acknowledge or consider the documentation that we provided and has therefore reached erroneous conclusions.
- Regarding “Retention of Records and Access to Public Documents,” all documents are available to the Public, upon request, as required in Florida Statutes 119. We formally disagree with the conclusion and/or the insinuation that we do not comply with Florida Statutes 119. 021. M&J failed to acknowledge that we directly provided all of the records that were requested and that we also provided a link to access to our public facing repository of Meeting Minutes (which is not a requirement of FS 119.021). Therefore, M&J reached erroneous conclusions on this point.

It should be noted that Orange Soil and Water Conservation District has no paid staff and receives no financial support from local, State or Federal government entities. All Supervisors are unpaid. Supervisors respond to constituent concerns, work on issues and attend meetings, functions, events, etc. on their own time and at their own expense.

Orange Soil and Water Conservation District is currently taking action to improve systems in order to meet the spirit of the relevant recommendations of this Report.

Respectfully Submitted,

/s/ Kim Buchheit, Orange County SWCD Supervisor, Secretary

**Orange SWCD District Board of Supervisors:**

Karolyn Campbell, Chair  
Samuel Chambers, Vice-Chair, Treasurer  
Kim Buchheit, Secretary  
Susan Collins, Public Relations  
Matthew Grocholske, Supervisor

