



## Charter Review Commission

Ocoee City Hall  
1 N. Bluford Avenue  
Ocoee, Florida

June 29, 2023

MINUTES

6:15 p.m.

- **Call to Order**

**Chair Forges** called the meeting to order at 6:15 p.m., in the Commission Chambers of City Hall, located at 1 N. Bluford Avenue. He requested a moment of personal reflection followed by the Pledge of Allegiance to the Flag. **Recording Clerk Sibbitt** called roll and declared a quorum present.

**Present:** Chair Forges, Vice-Chair Sills and Members Chacon, Lovejoy, and Alternate Member McTavish (1<sup>st</sup> Alt.), Alternate Member Butler (2<sup>nd</sup> Alt.). Also present were CRC Facilitator/Board Attorney Geller, and Recording Clerk Sibbitt.

**Absent:** Member Lowrie

**Guests:** Commissioner Hart

- **APPROVAL OF MINUTES**

**Motion: Move to approve June 15, 2023, Charter Review Commission Meeting Minutes as presented; Moved by Member Lovejoy, seconded by Vice-Chair Sills; Motion carried 5-0.**

- **DISCUSSION AND REVIEW OF CURRENT CITY CHARTER**

**Chair Forges** recognized District 4 Commissioner Ages Hart who was in attendance. He further acknowledged the items that were postponed awaiting his attendance at the meeting.

The Board discussed the following items that were postponed and within the comparison matrix:

- **C- 20 – Signatures on Contracts**

Should the Charter allow the City Manager to sign contracts within the City Manager's purchasing power, or the contracts of contract employees?

Discussion ensued on the powers of the Mayor and Mayor pro tem during their absence; and further, if the City Manager should sign contracts of contract employees. It was decided that there is no issue with the current wording of this section of the Charter.

**Motion: Move to not make any changes to C-20 – Signatures on Contracts, and maintain as written; Moved by Chair Forges, seconded by Member Chacon; Motion carried 5-0.**

- **C-21 – Residency of the City Manager**  
Should the City Manager live in the City limits?

**C-21** -- ... The City Manager shall be appointed solely on the basis of executive and administrative qualifications and need not be a resident of the City of Ocoee or the State of Florida at the time of appointment. Within one (1) year of commencement of employment, the City Manager shall become a resident of the city and shall remain a resident of the City while employed as City Manager.

Discussion ensued on the residency requirement of the City Manager and if the City Commission should have the ability to waive residency requirements. The comparison matrix was discussed and the Board felt the City of Winter Park model provided flexibility when there may be compelling reasons to waive the one (1) year residency requirement by unanimous approval of the City Commission.

**Motion: Move to approve that within one (1) year of commencement of employment, the City Manager shall become a resident of the city, unless such time is reasonably extended by the unanimous approval of the City Commission, and shall remain a resident of the City while employed as City Manager; Moved by Vice-Chair Sills, seconded by Member Lovejoy; Motion carried 5-0.**

- **C- 50 – Canvassing Board**  
Should the City Clerk be a member of the City's Canvassing Board?

**§ C-50. Certification of results; canvass of returns; notification of successful candidates. [Amended 12-1-2009 by Ord. No. 2009-030 ]**

The results of the voting at each polling place when ascertained shall be certified by return in duplicate signed by the Clerk and a majority of the inspectors of the election, one (1) copy being delivered by the Clerk and inspectors to the Mayor and the other to the City Clerk, both of whom shall transmit such return to a public meeting of the Canvassing Board, which shall consist of the City Clerk and ~~and three (3) two (2) citizens appointed by the City Commission.~~ The City Commission shall also appoint two (2) additional citizens to serve as alternates to the Canvassing Board. The Canvassing Board shall canvass the returns and shall declare the results of the

canvass as the results of the election in a manner provided by city ordinance or as otherwise required by law. A majority of the Canvassing Board shall constitute a quorum thereof. Notwithstanding the foregoing, with the agreement of the Orange County Canvassing Board and Orange County Supervisor of Elections, the City Commission may, by ordinance, assign and abdicate the canvassing responsibilities of the City Canvassing Board to the Orange County Canvassing Board. In such event, the Orange County Canvassing Board shall canvass the returns and shall declare the results of the canvass as the results of the election in a manner provided by city ordinance or as otherwise required by law.

At the last meeting, the Board directed CRC Facilitator/Board Attorney Geller to draft an amendment to C-50 placing the City Clerk on the Canvassing Board together with two citizens and two other citizens who shall serve as alternates. A brief discussion ensued.

**Motion: Move to approve the wording incorporated in C-50 as presented in the comparison matrix drafted by CRC Facilitator/Board Attorney Geller; Moved by Member Lovejoy, seconded by Member Chacon; Motion carried 5-0.**

- **C-17 – Successors and Vacancies**

Discussion ensued on the appointment of an interim Commissioner and the filling of vacant seats.

**C. Filling of vacancies.**

1. If any vacancy, other than the Office of Mayor, occurs in the City Commission, an eligible person shall be selected by the City Commission within thirty (30) days of the vacancy *to serve as an interim Commissioner* until the successor is elected. If a vacancy occurs in the office of Mayor, the Mayor pro tem shall serve as an interim Mayor until the successor is elected. The City Commission shall appoint an interim Commissioner to fill the vacancy created by the Mayor pro tem serving as Mayor; such interim Commissioner shall serve until such time as a Mayor is elected. The Mayor pro tem shall resume representation of his single-member district for the remainder of the term.
2. The successor to the office of Mayor or Commissioner shall be elected at the ~~at the same election in which a resigning Mayor or Commissioner is running for another office. If no person qualifies as a candidate for the vacated seat in the same election, then the successor to the office of Mayor or Commissioner shall be elected at the~~ *next regular or* general city election if such election is to be held within twelve (12) months of the vacancy. If *a regular or* general city election will not be held within twelve (12) months, the successor shall be elected at a special election which shall be called by the City Commission within ninety (90) days of the vacancy. The successor shall serve for the unexpired term of the member who created the vacancy.

3. If all members of the City Commission are removed at the same time, the Governor of the State of Florida shall appoint an interim City Commission that shall call a special election *to elect their successors* within ninety (90) days of appointment.

Further discussion ensued on adding additional language to 5-3 of the City Code on qualifications of candidates, proof of residency, and adjusting the qualifying period.

**Motion: Move to approve the wording incorporated in C-17 as presented in the comparison matrix drafted by CRC Facilitator/Board Attorney Geller; and further, in Section C-17 C (2) to include "...regular or general city election..."; Moved by Member Lovejoy, seconded by Alt. Member McTavish; Motion carried 5-0.**

**Census of the Charter Review Commission was to request the City Clerk to bring back language that changes the qualifying period.**

A brief discussion ensued on the City's current Affidavit of Candidacy & Residency Form and suggested changes were made to the form by CRC Facilitator/Board Attorney Geller.

***Recess 7:35 PM – 7:45 PM***

Discussion ensued about adding the recommended definition: *"A 'general city election' is any municipal election that is not a special election or regular election."* to Section C-45, as well as adding a reference to a special election. **CRC Facilitator/Board Attorney Geller** asked for direction to bring back to the next scheduled meeting the proposed wording to Section C-45. **Consensus of the Charter Review Commission was to have CRC Facilitator/Board Attorney Geller bring back revised language to C-45.**

Discussion ensued on 5-3. Qualifications of candidates.

**5-3. Qualification of candidates.**

- A. All candidates for election to office in City government, including an incumbent, shall qualify with the City Clerk by filing, on such form as may be required by the City Clerk, qualification papers designating the office for which the person is a candidate. Such qualification papers shall be accompanied by the qualifying fee provided for in § 5-4 of the City Code.
- B. *A candidate for Mayor shall furnish to the City Clerk proof of at least one year of residency in the City, and a candidate for Commissioner shall furnish to the City Clerk proof of at least one year of residency in the District in which the candidate*

is running. Such proof of residency shall be sworn to under penalty of perjury and shall consist of a voter registration card, a government-issued photo identification card, in addition to at least one of the following: a deed, lease, utility bills, or other clear and convincing documentary proof.

**Motion: Move to approve the suggested language for the proposed ordinance to Section 5-3 of the Code; Moved by Member Lovejoy, seconded by Member Chacon; Motion carried 5-0.**

**Chair Forges** recommended a recap of the Charter matrix in its entirety. **CRC Facilitator/Board Attorney Geller** provided a brief overview.

Discussion ensued on C-8 Powers of the City and preemption followed by discussion on Section (B) in C-8 and allowing the exchange of property.

**Chair Forges** requested the Board review the City Charter again to have more in-depth discussions on the City's Powers at the next meeting. It was further requested by Member Lovejoy that the matrix could be color coded to indicate what has already been reviewed.

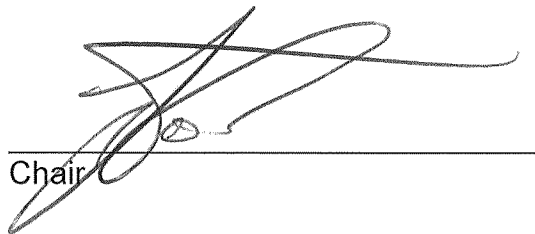
• **PUBLIC COMMENTS** – None

• **ADJOURNMENT**

The meeting adjourned at 8:16 p.m.



Melanie Sibbitt, Recording Clerk



Chair