



Charter Review Commission

Ocoee City Hall
1 N. Bluford Avenue
Ocoee, Florida

June 15, 2023

MINUTES

6:15 p.m.

- **Call to Order**

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

Present: Vice-Chair Sills and Members Chacon, Lovejoy, Lowrie, and Alternate Member Butler (2nd Alt.). Also present were CRC Facilitator/Board Attorney Geller, and Recording Clerk Sibbitt.

Absent: Chair Forges and Alt. Member McTavish (1st Alt.)

Guests: None

- **BRIEF INTRODUCTION OF MEMBER**

Since he was not present at the first Charter Review Meeting, **Member Chacon** briefly introduced himself. **CRC Facilitator/Board Attorney Geller** advised that the PowerPoint presentation on Sunshine Law was provided to Member Chacon. He provided a brief overview of Sunshine Law, and asked Member Chacon to contact him should he have any questions.

- **APPROVAL OF MINUTES**

Motion: Move to approve June 8, 2023, Charter Review Commission Meeting Minutes as presented; Moved by Member Lowrie, seconded by Member Chacon; Motion carried 5-0.

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

CRC Facilitator/Board Attorney Geller shared an email he received from Chair Forges with proposed discussion topics. It was decided this could be discussed when Chair Forges is present at the next meeting. **CRC Facilitator/Board Attorney Geller** further

explained the City Charter comparison matrix he provided in their packet which incorporates the updated changes made during the June 8th CRC Meeting.

The Board discussed the following items within the comparison matrix (pages 1-16):

- **C-11 Eligibility.** Residency Requirement and Proof. Proposed wording added:
(1) Add 1-year residency requirement:

“Each candidate for the office of Mayor shall, ~~at the time of~~ for at least one year before qualifying as a candidate for such office, be a bona fide resident of the city. The Mayor shall, during the entire term of office, be a bona fide resident of the city. Each candidate for the office of Commissioner shall, ~~at the time of~~ for at least one year before qualifying as a candidate for such office, be a bona fide resident of the single-member district which such candidate seeks to represent. A candidate for Mayor or Commissioner shall furnish such proof of meeting the residency requirement as may be prescribed by ordinance.”

Motion: Move to approve the wording incorporated in C-11 as presented in the comparison matrix drafted by CRC Facilitator/Board Attorney Geller; Moved by Member Lovejoy, seconded by Member Lowrie; Motion carried 5-0.

5-3 City Code. Discussed proof of qualifying paperwork.

(2) Add proof of 1-year residency by ordinance

Suggested language in the ordinance: *“A candidate shall furnish proof of one-year residency to the City Clerk by at least two of the following: government-issued photo identification, a deed, lease, voter registration card, or utility bills.”*

Consensus of the board was to have CRC Facilitator/Board Attorney Geller draft language to incorporate into 5-3 of the City Code on requirements for proof of residency during qualifying for an election.

- **C-17 – Successors and Vacancies**

Discussion ensued on differences between Municipal, Special, and General Election. **CRC Facilitator/Board Attorney Geller** directed the board’s attention to C-17: Successors in the matrix, as a recommended definition was added that read, “A ‘general city election’ is any municipal election that is not a special election or regular election.”

Discussion ensued on “calling” versus “holding” an election followed by a discussion on the resign to run statute and whether C-17 be amended to require an election to fill a vacancy at the same election in which the vacating Commissioner or Mayor is running.

Discussion ensued on the request for a criminal background check and the typical timeframe to conduct this type of request. **CRC Facilitator/Board Attorney Geller** suggested requiring the voter registration card at the time of qualifying.

- **C-20 – Signature on Contracts**

The Mayor shall sign all deeds, contracts, agreements, bonds, notes, obligations, and other legal documents of the city.

After a brief discussion, it was decided to table this item to allow Chair Forges to be present to explain the comments he provided in his email to the board.

Motion: Move to table discussion on C-20 – Signature on Contracts until the June 29th CRC meeting; Moved by Vice-Chair Sills, seconded by Member Lovejoy; Motion carried 5-0.

- **C-21 – Residency of City Manager**

Discussion ensued on whether there should be flexibility on the residency requirement, and/or should the City Commission have the ability to waive the residency requirement. The Charter previously allowed such a waiver.

Recess 7:39 PM – 7:46 PM

Motion: Move to table discussion on C-21 – Residency of City Manager and discussion on Mayor’s signature required for contracts of employees until the June 29th CRC meeting; Moved by Member Lowrie, seconded by Member Chacon; Motion carried 5-0.

- **C-28 – City Clerk**

Discussion ensued on strikethrough and clean-up of wording.

C-28 A. There shall be a City Clerk who shall be appointed by the City Manager. The City Clerk shall be under the direction and supervision of the City Manager. The salary of the City Clerk shall be determined by the City Manager, ~~subject to the approval of the City Commission~~ *subject to the budget approval of the City Commission.*

Motion: Move to clean-up language to C-28- City Clerk to read, “...subject to the budget approval of the City Commission.”; Moved by Member Chacon, seconded by Member Lovejoy; Motion carried 5-0.

- **C-45 – Election Dates**

Discussion ensued on whether to change election dates to even number regular elections to allow piggyback on presidential elections.

Motion: Move to not consider any changes to C-45 Election Dates; Moved by Member Lovejoy, seconded by Member Chacon; Motion carried 5-0.

Discussion ensued on removing swearing-in time from C-45 (B) and replace with “immediately prior to the next regularly scheduled meeting.”

Any person elected to the office of Mayor or the office of City Commissioner shall be sworn into office at 7:00 p.m. on the day of immediately prior to commencement of the next regularly scheduled City Commission meeting held after the results of the election are declared by the Canvassing Board as set forth in section C-50 of this charter.

Motion: Move to remove swearing-in time and replace it with "immediately prior to the next regularly scheduled meeting," in section C-45 (B); Moved by Member Lowrie, seconded by Member Lovejoy; Motion carried 5-0.

- **C-49 – Conduct of Elections**

Discussion ensued on should the Charter expressly allow the setting of elections by resolution or ordinance.

Further discussion ensued on the runoff election being held no more than thirty (30) days following the regular municipal election for such office.

- **C-46 – General Election Rules**

C-46 C. In the event that no candidate for a city elective office receives a majority of the votes cast for that office, then a runoff election between the two (2) candidates who received the most votes for such office shall be held at least seven (7) days and no more than thirty (30) days following the regular municipal election for such office.

Motion: Move to not consider any changes to C-46 (C); Moved by Member Chacon, seconded by Member Lovejoy; Motion carried 5-0.

Discussion ensued on the one-week timeframe for the qualifying period and if it should be longer.

Motion: Move to not consider changes to qualifying period; Moved by Vice-Chair Sills, seconded by Member Lowrie; Motion carried 5-0.

- **C-50 – Canvassing Board**

Discussion ensued on should the City Clerk be a member of the City's Canvassing Board.

The City Clerk is a member of most municipal canvassing boards. Testing and tabulation of machines, public viewing and processing of vote-by-mail ballots, election day canvassing, and manual audit of the election, all require the presence of a canvassing board member.

Consensus of the board was to have CRC Facilitator/Board Attorney Geller draft language similar to Winter Garden for Section C-50 to make the City Clerk a Canvassing Board member and include a first and second alternate selected by a majority vote of the City Commission.

CRC Facilitator/Board Attorney Geller inquired if any comments from the public or Elected Officials may have been received by a Charter Review Commission member to share. A brief discussion ensued on how the meetings are currently noticed and open to the public, the presentation of the CRC report before the City Commission, and the requirement of a public hearing once the ordinance is finalized.

• **PUBLIC COMMENTS**

Brad Lomneck, *Ocoee Resident*, encouraged the board to define a successor in C-17 and thanked the board for their discussions and commitment to this board. He further suggested a change to the timeframe for notifications for elections as defined in the code.

Discussion ensued on the term successor, and **CRC Facilitator/Board Attorney Geller** advised he would look into this concern.

• **ADJOURNMENT**

The meeting adjourned at 9:06 p.m.



Melanie Sibbitt, Recording Clerk



Chair