



OCOEE CHARTER REVIEW COMMISSION

Ocoee City Hall
1 N. Bluford Avenue
Ocoee, Florida

September 14, 2023

AGENDA

6:15 PM

- **CALL TO ORDER**

- Pledge of Allegiance and Moment of Silence
 - Roll Call and Determination of Quorum

- **APPROVAL OF MINUTES**

- 1. Approval of the July 20, 2023, Minutes

- **DISCUSSION/ACTION ITEMS**

- 1. Review Comments of the City Commission and Finalize the Ordinance Amending the City of Ocoee Charter

- **PUBLIC COMMENTS**

- **ADJOURNMENT**

Notice: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes testimony and evidence upon which the appeal is based. In accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 1 N. Bluford Avenue, Ocoee FL 34761, (407) 905-3105, 48 hours in advance of the meeting.

More than one Commissioner may participate or hear discussions regarding a matter which will come before the Commission for action.



Charter Review Commission

Ocoee City Hall
1 N. Bluford Avenue
Ocoee, Florida

July 20, 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 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: Chair Forges, 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: Alternate Member McTavish (1st Alt.)

Chair Forges inquired if there were any questions from the public for the Board to take into consideration before they began the review of the ordinance report.

Vice-Chair Sills commented on C-8 Powers of the City and noted that it seems changes are reflected within page 9 of the ordinance. **CRC Facilitator/Board Attorney Geller** advised there is additional language he incorporated into that section, and he will provide further explanation when they are at a point of discussion for that section of the Charter.

- **APPROVAL OF MINUTES**

Motion: Move to approve the July 13, 2023, Charter Review Commission Meeting Minutes as presented; Moved by Member Chacon, seconded by Member Lowrie; Motion carried 5-0.

- **DISCUSSION AND FINALIZE CRC REPORT TO THE CITY COMMISSION**

CRC Facilitator/Board Attorney Geller briefly explained the proposed ordinance report and procedures and suggested how they could bring forward questions. **Chair Forges** suggested they begin with the items in the report shown in red.

The Board discussed the following items within the ordinance report:

- Page 2 and 6 – Clarification was provided on the swearing in process, and it was decided to not include the proposed wording, “upon commencement of”.
- Page 9 and 10 – Explanation was provided by **CRC Facilitator/Board Attorney Geller** on newly proposed language that was not discussed by the Board to Section C-8, Powers of the City.

C-8. Powers of the city.

The City of Ocoee shall have all governmental, corporate and proprietary powers and all other powers possible for a city to have under the Constitution and the laws of Florida as fully and completely as though they were specifically enumerated in this Charter. ~~Except as otherwise provided herein, t~~The following powers of the city shall be construed liberally and in favor of the city ***to effect their intended purposes***, and the specific mention of particular powers in the Charter shall not be construed as limiting, in any way, the powers granted to the city under the Constitution and the laws of Florida.

Motion: Move to accept the newly proposed language incorporated in Section C-8 and ballot Question #1; Moved by Member Lowrie, seconded by Vice-Chair Sills; Motion carried 5-0.

Member Chacon suggested that Question #1 be separated into two separate questions as there are two changes being proposed for C-8, and if the voters do not agree with the first change, it may affect the second change to that section.

Question #1:

Amendment of § C-8, City of Ocoee Charter

Shall § C-8 of the Ocoee City Charter be amended to provide that the City of Ocoee’s powers be liberally construed in favor of the city ***to effect their intended purposes***, and that the City’s enumerated powers shall include the right to acquire or dispose of property, including real property, ***by exchange?***

___ YES

___ NO

Motion: Move to separate the proposed changes to Section C-8 in ballot Question #1 into two separate questions; Moved by Member Chacon, seconded by Vice-Chair Sills;

Question #1:

Amendment of § C-8, City of Ocoee Charter

Shall § C-8 of the Ocoee City Charter be amended to provide that the City of Ocoee's powers be liberally construed in favor of the city to effect their intended purposes?

YES

NO

Question #2:

Amendment of § C-8, City of Ocoee Charter

Shall § C-8 of the Ocoee City Charter be amended to provide that the City's enumerated powers shall include the right to acquire or dispose of property, including real property, by exchange?

YES

NO

After brief discussion. Motion carried 5-0.

CRC Facilitator/Board Attorney Geller shared there was a discussion at a previous meeting about the donation of property as well as the exchanging of property. Only the exchange of property was added for consideration unless the Board would like to make a change. Brief discussion ensued, and consensus was to keep the proposed language presently in the ordinance report.

- Page 12 – Explanation was provided on an addition that was not discussed by the Board to Section C-17 (C), and further discussion ensued on how to revise this section to be gender neutral.

C. Filling of vacancies.

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 or her single-member district for the remainder of the term.

Motion: Move to change Section C-17 to read, “The Mayor pro tem shall resume representation of their single-member district for the remainder of the term.”; Moved by Member Chacon, seconded by Vice-Chair Sills;

After a brief discussion, **CRC Facilitator/Board Attorney Geller** inquired if the Board would support the change to read, “The Mayor pro tem shall resume representation of a single-member district for the remainder of the term.”

Motion: Move to amend the motion to change Section C-17 to read, “The Mayor pro tem shall resume representation of a single-member district for the remainder of the term.”; Moved by Member Chacon, seconded by Vice-Chair Sills; Motion carried 5-0.

CRC Facilitator/Board Attorney Geller noted that at the end of the ordinance in Section 13 - Codification & Corrections, it allows that grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

After reviewing all items in the report shown in red, the Board discussed how they could inform the public on the proposed changes to the Charter, and it was discussed that finalized ballot questions with explanation can be placed on the City’s website.

Chair Forges shared that he received a citizen concern regarding background checks on candidates who qualify to run, and asked what the current process was. **Recording Clerk Sibbitt** addressed his question. Brief discussion ensued on background checks.

The Board continued discussions on the following ballot questions within the ordinance report:

CRC Facilitator/Board Attorney Geller read aloud Question #3:

Question #3:

Amendment of § C-11, City of Ocoee Charter

Shall § C-11 of the Ocoee City Charter be amended to provide that candidates for Mayor shall reside in the City of Ocoee for at least one year before qualifying as a candidate and to require candidates for City Commissioner to reside in the

district they seek to represent for at least one year before qualifying as a candidate?

___ YES

___ NO

Chair Forges inquired what would happen if a District Commissioner was moved out of their district during the redistricting process. Brief discussion ensued.

CRC Facilitator/Board Attorney Geller brought the Board's attention to C-52, Ballots for ordinances and Charter amendments.

C-52. Ballots for ordinances and Charter amendments.

An ordinance, a charter amendment or any other matter to be voted on by the electors of the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above-described (ordinance) (amendment) be adopted?" Immediately below such question shall appear the words "yes" and "no." The elector shall cast a vote by choosing either "yes" or "no" in the manner required by the Supervisor of Elections.

He explained that he will be making corrections to the ballot questions as required by this section before presenting the ordinance report to the City Commission.

Motion: Move to change the format of the ballot questions to conform with C-52; Moved by Member Lowrie, seconded by Member Lovejoy; Motion carried 5-0.

CRC Facilitator/Board Attorney Geller addressed the question about redistricting and advised that Section C-69 (C) would allow for any member of the City Commission who ceases to be a bona fide resident of the district which such member represents as a result of redistricting or a change in district boundaries by the City Commission shall continue to hold office for the duration of such members' term and shall continue to represent such district.

Member Chacon suggested for consistency to place numbers in parentheses for ballot questions with numbers. He further asked if the Board would be reviewing the questions once they are translated in Spanish. **Recording Clerk Sibbitt** addressed his question.

The Board continued discussions on the following ballot questions within the ordinance report:

- Question #4 (page 13) – Discussion ensued on the word “shall”. No changes were made.

- Question #5 (page 14) – No comment
- Question #6 (page 15) – No comment
- Question #7 (page 16) – No comment
- Question #8 (page 18) – No comment
- Question #9 (page 18) – No comment
- Question #10 (page 19) – Correction to include “...*dates* of qualifying period...” and remove the word (Conduct of Elections) in the title.
- Question #11 (page 21) – Remove (Certification of results; canvass of returns; notification of successful candidates).

CRC Facilitator/Board Attorney Geller read the ordinance block titles and whereas sections aloud. Corrections were made as needed. Discussion ensued on how they would be presenting the ordinance report, and the placement of the item on the agenda.

Recess 7:55 PM – 8:02 PM

Motion: Move to approve and submit the ordinance report with the changes as proposed by the Board; Moved by Member Lovejoy, seconded by Member Chacon; Motion carried 5-0.

CRC Facilitator/Board Attorney Geller further read aloud the additional proposed ordinance amending Section 5-3 of the City Code to allow the Board to make corrections as needed.

• **PUBLIC COMMENTS**

Brad Lomneck, Ocoee Resident, asked a hypothetical question on the qualification process if the Charter amendment to move the qualifying date to December had been in place. He further asked the attorney’s interpretation of the vacancy of a seat and confirmed that a person who vacates a seat could not be the successor of the seat they vacated; and further, requested confirmation that the interim could be a successor. **CRC Facilitator/Board Attorney Geller** addressed his questions, and provided his interpretation of C-17 C. of the Charter.

Motion: Move to approve and submit the ordinance related to Section 5-3 of the City Code; Moved by Member Chacon, seconded by Member Lowrie; Motion carried 5-0.

• **ADJOURNMENT**

The meeting adjourned at 8:31 p.m.

Melanie Sibbitt, Recording Clerk

Chair

**COMMENTS AND RECOMMENDATIONS OF THE
OCOEE CITY COMMISSION
TO THE CHARTER REVIEW COMMISSION**

**Transcript of City Commission's Comments
(8/1/23)**

CRC Board Atty Geller (35:37) Do want to go to your question now?

Commissioner Kennedy (35:52) Thank you very much, you talked about cleaning up, in question #8, the definitions of regular, special or general election. But, I noticed that when you were talking about the charter review amendment process that the language still said general or municipal election did you look at clearing that up?

CRC Board Atty Geller (36:23) No, I think they are one in the same whether it's a general city election or general municipal election is that what your question is getting at because maybe I need to look at what you're looking at.

Commissioner Kennedy (36:35) The language that you had for when the charter amendments can be on, at the very beginning before you started, and it said that those amendments can appear during a general or municipal, which later you said they were the same thing. That a general was any other municipal election other than a regular or a special election

CRC Board Atty Geller (36:36) okay let me let me make sure I'm looking at the same thing.

Commissioner Kennedy (37:20) I wrote it down before you got to question eight because I was confused by that and we talked about that before - a general election is any other municipal election other than a special election or a regular election

CRC Board Atty Geller (37:40) That would be the logical conclusion.

Commissioner Kennedy This Matrix I like this. Did you say you have a 22 page? Did you make that for all 11 questions?

CRC Board Atty Geller More than 11 questions this was a document. It was a working document. It went through probably four iterations after each meeting of the charter review commission it would be revised. We can give you copies of all.

Commissioner Kennedy (38:06) I'd like to read that.

CRC Board Atty Geller (38:12) Would you like the last one or would you like to see the entire sequence

Commissioner Kennedy (38:18) The last one, the current one.

Commissioner Kennedy (38:19) I had one other question obviously I know you've anticipated this; the background check question, as far as qualifying candidates.

CRC Board Atty Geller (38:37) There was a fair amount of discussion about that, and the difficulty is, it does not matter when you have or how long your qualifying period is there will always be a last day of qualifying. A background check will take at least several days if not longer, according to the city clerk, and so it would not be possible to have an answer by the close of qualifying whether the person who is running for office is a convicted felon and has not had their rights restored by the governor and so would be ineligible it just could not be determined on the fly like that.

CRC Board Atty Geller (39:11) Chairman Forges just reminded me that you'll recall the suggestion is that you must present your voter registration card in order to be a registered voter you cannot be a convicted felon without your civil liberties restored by the governor.

Commissioner Kennedy (39:31) that's the problem that I see - is that requirement, is that registration card required to be a year old?

CRC Board Atty Geller (39:40) The registration card is required in order to prove one-year residency in either the city for the mayor or in the district that the candidate is running in, so that that is one of the items of proof that would be required. Now what often happens is, I understand from the city clerk, is a candidate will run and get that registration card you know right before they're uh they're gonna file their papers and so the registration card may not be a year old it may only be several days or a day old.

Commissioner Kennedy so then the Orange County Supervisor of Elections cannot confirm that that person is eligible to vote they issue the card on assumption that within 90 days the state won't kick it out.

CRC Board Atty Geller that that is correct.

Commissioner Kennedy can that be required to be at least a year old as part of the bona fide residency requirement because that would give the county time to vet that voter registration card.

CRC Board Atty Geller well I don't know that that happens, that the county is not conducting background checks on every person.

Commissioner Kennedy it is the state the opportunity to notify them that a person's rights have not been restored and that process if the state does that takes up to 90 days. That is what I ran into with the incident that you're describing.

CRC Board Atty Geller right I appreciate that, but the state is not customarily doing that. The state is not looking at every person who is registering across the state and cross-referencing anyone who's ever been convicted of a felony and then cross-referencing that with whether the rights have been restored it's just not something that is going to happen unless it is brought to the attention of authorities and so I probably don't have a really good answer for you on this but this was something that that the charter review commission did grapple with and we there was a considerable discussion about this. How do we how do we prevent someone who is a convicted felon from running for office and there was there was some discussion about well the press will certainly be looking at the qualifications of candidates and their backgrounds and so that's one that's one source of protection so to speak and then opponents also will perform background checks on those who they're running against frequently. I hope that helps you a little bit.

Commissioner Kennedy I don't agree with that - I think the reason that we knew was because he openly bragged about it, so I think at least for the public record I take your point about the deadline and the timing but if it was at least a requirement to sign authorizing a background check and then that was part of the public record that would inform the voters.

CRC Board Atty Geller it is your prerogative within the next 45 days when you come back and make recommendations to the Charter Review Commission that if you could articulate that - to the board and to the Charter Review Commission then that could be taken into a consideration.

Commissioner Kennedy okay, thank you very.

CRC Chairman Forges (43:02) If I may add to that Commissioner Kennedy we spent a lot of time on that subject matter. We concluded that if we take into consideration every subjective measure from the public to put on our ballot with regards to how do you qualify to be a candidate for our city wouldn't have anyone running for office at all, so we have to be objective so some of the stuff that we implemented - again we did look into the background check so we all concluded that we will rely on the voter registration and kind of go forward with that because if we kept adding all kinds of barriers that everyone seems to think of that we should put in to someone who's going for office would never have politician for his office and it was it was kind of a grid lacking situation we'll be creating for ourselves if we didn't accept some measures from this from the county in the state to kind of keep things moving with regards to how they qualify with regards to the background questions you were asking.

CRC Board Atty Geller (44:14) This is not going to satisfy you completely but let me add that candidates must swear under penalty of perjury that they are eligible to be running for office and so if they are in fact not eligible...

Commissioner Kennedy then they would be disqualified can I ask a follow-up? Is the

requirement that citizens serving on City boards be subject to a background check is that in the Charter or is that a City Policy? Where does that requirement come from?

CRC Board Atty Geller I don't recall that being in the Charter.

CRC Chairman Forges Maybe an ordinance?

Commissioner Kennedy (44:56) We have a rule that people serving on City Boards have to take a background check.

City Clerk Sibbitt There is only one Board and it is the diversity board, and the board, at that time, put that in their Resolution.

Commissioner Kennedy That is in the resolution?

City Clerk Sibbitt yes

Commissioner Kennedy (45:20) thank you.

Commissioner Wilsen I think it's going to take some time for me to digest all that you have done. So again, I thank the board for all that they have done because it's this was a very trying time, in this last election for many, not me, but for many, and it may come haunt me in the future if I elect to run again.

Commissioner Wilsen – (45:48) Did the Charter Review Committee discuss anything regarding the language to make this position part-time? We know that that has come up so many times that some folks wanted to make this a full-time position again being a burden on the taxpayers that it would be a full-time position but is there anything that was discussed during your Charter review regarding stating that this is a part-time position.

CRC Attorney Geller – Commissioner that did not come up.

Commissioner Wilsen – I don't believe it's in the charter I mean I've read the charter so many times over the years and you just after a while can't pinpoint exactly where it might be but if that goes back to the again to the Charter Review Committee I find that to be an important factor because this is a part-time position. We're not full-time employees or I don't think we're really classified as an employee.

CRC Attorney Geller – No, you're officers.

Commissioner Wilsen - So that's about the extent of it. Okay that's just one question. **(46:52)** I'm probably going to get many comments about the next thing I'm going to say but I'll say it. I know at one point the charter said that the city manager must live in the city I think that's the last time. **(47:03)** I think we had our prerogative on previous years because we allowed Rob where he did not have to live in the city but I think we found during Covid and we found during this last couple years that with technology the city

manager has been very accessible to us no matter where they live. Just as we have been very accessible no matter where we are at the point when something happens, and I wondered if that was what the discussion was with the charter review board at that point because I believe now it says one year.

CRC Attorney Geller – (47:37) It is one year to establish residency --

Commissioner Wilsen – To establish?

CRC Attorney Geller – within the city.

Commissioner Wilsen – Was there any discussion that they would remove that?

CRC Attorney Geller – No.

Commissioner Wilsen – At all?

CRC Attorney Geller – No, the commission members and I'll (47:45) let the chairman jump in here, felt very strongly that the city manager should live in the city.

CRC Chair Forges - That is correct. We (47:51) inserted that one year. We didn't have that before and simply collectively just felt that as a leader of our city they should reside here.

Commissioner Wilsen - Okay I understand that.

CRC Chair Forges - Much like the Commissioners and the Mayors and (48:05) everything else because the city manager is a leader of our city so it was recommended collectively to have that city manager reside in the city, so we added within the one year.

CRC Attorney Geller - Well the (48:20) one year's already there.

Commissioner Wilsen - The one-year discretion that we have.

CRC Attorney Geller – Discretionary.

CRC Chair Forges - Up to one year, correct.

CRC Chair Forges – (48:25) So now we're giving you some discord, some leeways if the city manager had (48:30) some circumstances where they couldn't come in within one year you can collectively decide on it and give them maybe you know three months or whatever (48:37) the reason may be but we insist what the charter is, is that we do keep the one year that they have to reside with the city.

Commissioner Wilsen - Well I appreciate that you put the one year in because that does give someone a little I say (48:49) leeway.

CRC Chair Forges - One year and collectively you can collectively extend that depending on circumstances that the manager may have.

CRC Attorney Geller - Just for (48:55) clarification the one-year requirement is already in the Charter. It is there today, that you must establish residency within one year. The Proposal here is to give just a little bit of flexibility on one year.

Commissioner Wilsen –Okay.

CRC Chair Forges –That is correct. On the previous review the one year was added. That's correct.

(49:13)

Commissioner Wilsen - I'm a little confused on. Okay thank you. Again, I read it and sometimes you forget certain things. We change things over the years. Explain the city clerk's salary. I wasn't aware that we had involvement in that. I thought that was set by City guidelines.

CRC Attorney Geller - The Charter says that the clerk's salary is approval by this board. (49:42) Now in practice it has been approval through the budget and so the idea here was just to make it crystal clear that there's not some separate vote on Melanie's salary. It's you know.

CRC Chair Forges - I want to increase it.

Commissioner Wilsen - Pull it, could you pull that one back up.

(50:10)

Commissioner Wilsen - I guess you're right we've always done it through the budget process. We approve it in the budget, but I wasn't I guess you know I can't be a walking Charter officiant about this. Well everyone should be appointed by the (50:49) city manager because we're a manager form of government, so we don't hire our fire. So--

50:55

Mayor Johnson - We set salaries though.

Commissioner Wilsen - But this seems when there shall be a city clerk who (51:01) shall be appointed by the city manager. Well everyone basically is appointed by the city manager, correct? It's a city manager form of government. He hires and fires.

(51:12)

CRC Attorney Geller – Yes.

City Attorney Cookson – Commissioner, I think the language that was added so the last sentence seems to indicate from the Charter the city manager sets the salary, and then

it's approved by the city commission. Kind of like you would approve by separate vote her salary. When in practice that's not what's happened. In practice what's happened is the city manager sets her salary, puts it **(51:38)** in the budget, and you approve the budget, and so they're just clarifying that this reads as if it's just the way it's been happening in past.

(51:49)

Commissioner Wilsen - All right it's a little confusing because 14 years we've always just approved within the budget, everyone's, and I hate to pick on Melanie but it's just everyone's salary. Everyone's. The budget has been our form to approve everyone's salary.

City Manager Frank - Yeah this is just to make it --

Commissioner Wilsen - clear

City Manager Frank - make it fit with what we do with **(52:08)** everybody else. Hers was called out individually, and I guess what the board is saying hers doesn't need to be contemplated individually, but handled like we've been doing.

Commissioner Wilsen - Thank you. **(52:21)** Okay that's all we're for right now. I know I have 45 days so I'll probably come up with more.

Commissioner Firstner – No, I don't have **(52:27)** any questions you're right now.

Mayor Johnson - You got 45 days. We don't want to take that long.

Commissioner Hart - Yeah so I'm going to take my time and **(52:34)** digest this but once again thanks to the commission. I had an opportunity to sit in and listen to their meeting and it was so well, efficiently and well run. We have some very talented people in the city of Ocoee and I admire your dedication to democracy so I thank you for your service especially, Mr. Sills. **(52:51)** I thank you for stepping up Sir for representing the city. I do agree with the one-year term. It's a situation, I call it a growing pain but it's part of what we need to do. A lot is coming to Ocoee, and me speaking as a citizen I'm **(53:05)** concerned that outside forces would pop a lot of money into an election and change this. That's just me speaking as a citizen and I don't want that to happen. I definitely want somebody who lives in Ocoee to have a voice in Ocoee and I don't want outside sources affecting our thing. **(53:24)** As commissioner Wilson said I've been doing this for a few months, this is a part-time job. It should not be a full-time job when people start doing things for money things change, so I am of the opinion and going to go on record, this should stay a part-time job, and to me I consider this community service. I don't consider this a salary. I'm not looking for money I'm just trying to serve the City of Ocoee so once again thank you for **(53:46)** your work. There's a lot to digest and I appreciate your efforts and once again to our citizens thank you very much.

(53:57)

Mayor Johnson - Charter members please stand up. I personally want to thank you. I personally want to thank you. (54:09) I'll say that we have a new person that hasn't been involved in politics, we have a couple that have and I don't know about Mr. Chacon but I know that young man standing right there. I've known him since he was born I guess and I've been trying to get him involved in politics. So, looks like you got involved. We appreciate all of you coming and doing that process and going through that. Thank you very much. I think everybody needs to know who you were appreciate it thank you.

(54:39)

Mayor Johnson - One question. I was going to ask about that too but the other one is the city manager thing. (54:54) Rob came here about 19 and a half years ago maybe 20 which is an unusual thing for a city manager. Let me tell you most of them don't last more two to four years. I'm for the City Manager living in the City but I let him do what he's doing. He had a house there already set up that close. So, when you're out looking for the person that's going to run your city, you want to find one that's going to come here not be afraid to go to Publix or not be afraid to go to Lowes. My older brother got into politics when he come out of college. He was a City Clerk, City Finance Director, Assistant City Manager, and City Manager. Every City in 40 years he lived in, when he got the job he moved there. (55:41) Every year, where ever it was, no matter if he stayed in a place a year. He packed up moved his family. (55:47) He was involved in this town. You know it's a different thing to know that person knows what you're doing every day and seeing it every day without me having to call them and tell them but Rob is good, (55:58) he answers. That's a different situation than what we're doing we've probably got somebody we want, and if there is, I don't see a year, I'd say six months. You (56:08) give them a year next thing you know it's gonna be a year and a half. They're already here they need to get in here and get working. (56:14) So I personally, I approve that city manager thing and I'll be voting for that. Anybody, I could tell, I'll tell them the same thing. We did it, we had the choice with Rob. Rob knows I think that without saying that we argued.

(56:27)

City Manager Frank - No, actually mayor when I originally took the job back in 2004 the rule was you had, I believe, unless the majority of the city commission waived that, (56:41) I think about a month before I came here I had just bought a house and you (56:46) all gave me a two-year dispensation so I wouldn't have to pay taxes when I sold the house and then after two years I think the thought process at the time was well we can get a hold of you and it didn't seem to be that much of an issue then. I understand some things have changed since then. I didn't (57:06) advise anybody, I didn't ask anybody to talk on this particular issue. You'll probably be discussing this next year because that's probably when I'm going to be retiring so you will have a chance to have more discussions about that.

(57:40)

Mayor Johnson - I just think its part of the city. We're not the same city we were 20 years ago. We're a different place and in different times. (57:51) We're here and I think he runs the city. I look at it being a person that should be here. (57:57) So, that's my own thoughts on that and I was going to ask you about the something else. The deal about swearing

that you swear-in and that you don't do this it doesn't do any good because nothing happens. We (58:10) had two things this past election that filled out forms legally that we couldn't do anything about.58:16 So, what does it matter if you're going to ask them or have them fill it out. If we're not doing it, why do they (58:23) I mean, to me, I know we have to do certain things with employees we hire the recreation department if they have to sign that you know they don't have any problems or anything like that. We should do the same thing and there's got to be some way that we can fasten that up and get it where it's there because two of them signed up to be something they weren't but there was nothing (58:42) you could do about it. Nobody could do anything and that's ridiculous in this day and time. To me it is. So, I asked and they said, oh we don't check those things because it takes too long. Well, start the day they sign and let's see if we can expedite something too. It is something that needs to be made sure of, because that was a mess. That's pretty much it.

Mayor Johnson (59:10) Do you want us to come back at the next meeting with the answer to this? How long?

CRC Board Atty Geller (59:18) You technically have 45 days --

Mayor Johnson – I know but we don't want to wait that long.

CRC Board Atty Geller -- to give your feedback.

Mayor Johnson (59:26) I'm gonna say something else. Lou I really appreciate your time and activity this you've done a great job I know Jim did it before and he's a good man at doing stuff but you've done a good job and you represented it well and so did Mr. Geller. We appreciate that real well. Thank you.

CRC Chair Forges –We had a great team here.

Commissioner Wilsen (59:38) the 45 days that we have... I know that we wanted it to go on the presidential primary correct next March?

CRC Board Atty Geller Correct.

Commissioner Wilsen What's the time... It has to be done by December. is our drop-dead dates that we have?

CRC Board Atty Geller (59:57) The Supervisor of Elections wants items that would be on the ballot by early December--

City Clerk Sibbitt (1:00:03) December 12th

CRC Board Atty Geller December 12th.

City Clerk Sibbitt (1:00:09) We have to do a first and second reading of the Ordinance, and we only have one meeting in November, so we definitely need something to present to the Commission in October (1:00:15) if we can.

Commissioner Wilsen we only have one meeting in September, correct?

City Clerk Sibbitt (1:00:22) Correct.

Commissioner Wilsen So these 45 days probably aren't 45 days. (1:00:29). Go back over the city manager one. I'm not opposed to one year I'm (1:00:35) just saying all that you're doing is giving us flexibility if there's extra months needed to extend is that correct?

CRC Chair Forges (1:00:42) To extend it. Yes, that is correct.

Commissioner Wilsen Does it say how long I mean because you know when we get things are (1:00:47) very vague we're trying to tighten up to where they're not vague.

Mayor Johnson (1:00:52) What are you asking about?

Commissioner Wilsen I'm going back to the city manager recommendation with extra months but when you're vague a lot of room for flexibility

Mayor Johnson (1:01:00) When you sign a contract with them you're going to put a date of higher. It'll be probably three months most times it's three (1:01:06) months or so before you bring them in. We know what the date's going to be here for sure so we pretty well know (1:01:11) when he's going to go. We are going to be pretty much be set up so that don't need to do that.

Commissioner Wilsen (1:01:17) I just want I don't want us to be vague that's the problem. because the charter we've been vague that's what brought us into this (1:01:23) situation, to me, because we have there has been a lot of room on the side and (1:01:28) while we're trying to deal with the charter.

CRC Chair Forges Well in this instance what it is (1:01:33) is again the city manager has one year to move into the city, if something happens and it's in (1:01:41) their way of life they couldn't make it here within one year how long is the time does not have to be in the charter (1:01:47) because that's something you will decide collectively. How much more time do we give them to move here? (1:01:53) The time period doesn't have to be here in the Charter.

Mayor Johnson We don't do that with any other employees (1:02:01)

CRC Chair Forges. You decide that.

Commissioner Wilsen. No other employees are in the Charter.

CRC Chair Forges One day plus one year is up to you. (1:02:06) You set that next time based on what you agree to but (1:02:12) but the Charter says one year. That's the date the Charter gives to you.

Commissioner Wilsen I am just trying not to be vague.

City Manager Frank (1:02:19) We are going to make sure that we (1:02:25) summarize everything for you. Tell you at what date you need to get any comments back to us. And what's going (1:02:32) to happen at that point. The next meeting of the Charter Review Commission for any comments that you have. When we anticipate putting the first reading on (1:02:40) in which meeting. We will summarize all that for you.

Commissioner Wilsen Thank you because I believe we're going to (1:02:46) be on a tight time frame.

CRC Chair Forges I add that we actually had to expedite one of our meetings forward in order to meet (1:02:52) you here tonight, there'll be some a lot of legworks in this in those 45 days.

Commissioner Wilsen I appreciate all you're (1:02:58) doing.

CRC Board Atty Geller I very much appreciate all the feedback that you're giving tonight.

Mayor Johnson You have a great crew Lou.

CRC Chair Forges (1:03:07) These are my cronies. Thank you.

Mayor Johnson All right so you're going to (1:03:13) come back with us before the next meeting?

City Manager Frank Yes, we are going to everything (1:03:18) that you all need to know probably before the end of the week, and we will get that to you.

Commissioner Kennedy (1:03:25) Can you get the document for us?

City Manager Frank and you can have the Matrix, too.

Mayor Johnson okay, very good, thank you very (1:03:30) much. Appreciate it, good work.

CRC Board Atty Geller (1:03:32) Thank you, everyone.

AN ORDINANCE OF THE CITY OF OCOEE, FLORIDA, CONSISTING OF A REPORT BY THE CITY'S CHARTER REVIEW COMMISSION PROPOSING AMENDMENTS TO THE CITY OF OCOEE'S CHARTER FOR THE BALLOT AT THE NEXT GENERAL MUNICIPAL ELECTION, ON MARCH 19, 2024, OR AS OTHERWISE SCHEDULED, PERTAINING TO:

(1) § C-8 (POWERS OF THE CITY) TO STATE THAT THE CITY'S POWERS SHALL BE CONSTRUED LIBERALLY IN FAVOR OF THE CITY TO EFFECT THEIR INTENDED PURPOSES AND THAT THE CITY'S ENUMERATED POWERS SHALL INCLUDE THE AUTHORITY TO EXCHANGE PROPERTY;

(2) § C-11 (ELIGIBILITY, RESIDENCY REQUIREMENT AND PROOF) TO REQUIRE CANDIDATES FOR MAYOR TO RESIDE IN THE CITY FOR AT LEAST ONE (1) YEAR BEFORE QUALIFYING AS A CANDIDATE AND TO REQUIRE CANDIDATES FOR CITY COMMISSIONER TO RESIDE IN THE DISTRICT THEY SEEK TO REPRESENT FOR AT LEAST ONE (1) YEAR BEFORE QUALIFYING AS A CANDIDATE;

(3) § C-17 (SUCCESSORS) TO PROVIDE FOR THE SUCCESSOR TO THE OFFICE OF MAYOR OR COMMISSIONER TO BE ELECTED AT THE NEXT REGULAR OR GENERAL CITY ELECTION, IF HELD WITHIN TWELVE (12) MONTHS OF THE VACANCY;

(4) § C-18 (INDEPENDENT AUDIT) TO AUTHORIZE THE CITY COMMISSION TO DESIGNATE AN ACCOUNTANT OR ACCOUNTING FIRM IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN FLORIDA STATUTES § 218.391 FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS;

(5) § C-21 (APPOINTMENT; QUALIFICATIONS; COMPENSATION) TO AUTHORIZE THE CITY COMMISSION TO REASONABLY EXTEND THE REQUIREMENT FOR THE CITY MANAGER TO BECOME A RESIDENT OF THE CITY OF OCOEE WITHIN ONE (1) YEAR OF BEGINNING EMPLOYMENT BY A UNANIMOUS VOTE;

(6) § C-28 (CITY CLERK) TO CLARIFY THAT THE CITY CLERK'S SALARY IS SUBJECT TO THE CITY COMMISSION'S BUDGET APPROVAL;

(7) § C-45 (ELECTION DATES) TO DEFINE “REGULAR,” “SPECIAL,” AND “GENERAL CITY ELECTIONS” AND TO PROVIDE FOR THE SWEARING-IN OF A NEWLY-ELECTED MAYOR OR CITY COMMISSIONER IMMEDIATELY BEFORE THE NEXT REGULARLY SCHEDULED CITY COMMISSION MEETING AFTER THE CANVASSING BOARD DECLARES THE ELECTION RESULTS;

(8) § C-49 (CONDUCT OF ELECTIONS) TO AUTHORIZE THE CITY COMMISSION TO SET THE DATES OF ELECTIONS AND THE DATES OF QUALIFYING PERIODS FOR CANDIDATES BY RESOLUTION OR ORDINANCE;

(9) § C-50 (CERTIFICATION OF RESULTS; CANVASS OF RETURNS; NOTIFICATION OF SUCCESSFUL CANDIDATES) TO APPOINT THE CITY CLERK TO THE CITY OF OCOEE’S CANVASSING BOARD TOGETHER WITH TWO (2) OTHER CITIZENS AND TWO (2) CITIZEN ALTERNATES APPOINTED BY THE CITY COMMISSION;

(10) PROVIDING A FORM OF BALLOT FOR EACH PROPOSED AMENDMENT;

(11) DIRECTING THE CITY CLERK TO FILE THE REVISED CHARTER AS APPROVED BY THE VOTERS WITH THE FLORIDA DEPARTMENT OF STATE;

(12) PROVIDING FOR SEVERABILITY AND A SAVINGS CLAUSE; AND

(13) PROVIDING FOR CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Ocoee (the "City") is vested with Home Rule authority pursuant to Article VIII, § 2 of the Constitution of the State of Florida and Chapter 166, Florida Statutes to conduct municipal government, and exercise any power for municipal purposes except as otherwise prohibited by law; and

WHEREAS, § C-59 of the City of Ocoee’s Charter (hereafter, the “Charter”) states, “A Charter Review Commission may also be appointed by the City Commission at such times as deemed necessary by the City Commission;” and

WHEREAS, on April 18, 2023, the City Commission determined that a Charter Review Commission should be appointed to consider and propose certain amendments to the Charter, including an enlarged residency requirement for Mayoral and City Commission candidates; and

WHEREAS, in accordance with § C-61 of the Charter, the City Commission determined that citizens should vote on proposed Charter amendments at the next municipal election, on March 19, 2024, or as otherwise scheduled; and

WHEREAS, on May 16, 2023, the City Commission appointed a Charter Review Commission consisting of seven (7) citizens, including two (2) alternates, to review the Charter and recommend proposed amendments;

WHEREAS, § C-61 of the Charter states, “The Charter Review Commission shall be empowered to conduct a comprehensive study of any or all phases of city government.”

WHEREAS, in June and July 2023, the Charter Review Commission held multiple noticed public meetings, conducted a comprehensive study of various aspects of city government as affected by the Charter, and solicited and received input from citizens of the City of Ocoee;

WHEREAS, § C-61 of the Charter further states, “If changes are recommended, the Charter Review Commission shall transmit its proposed report with Charter amendments in ordinance form to the City Commission for comment.”

WHEREAS, Florida Statutes § 166.031(1) states in pertinent part, “The governing body of a municipality may, by ordinance...submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except that part describing the boundaries of such municipality. The governing body of the municipality shall place the proposed amendment contained in the ordinance...at the next general election held within the municipality or at a special election called for such purpose.”

WHEREAS, on July 20, 2023, the Charter Review Commission voted to approve and submit recommended amendments to the Charter, set forth herein, in a proposed Report in the form of this Ordinance to the City Commission;

WHEREAS, on August 1, 2023, the Charter Review Commission presented its proposed Report in the form of this Ordinance to the City Commission, recommending amendments to the City of Ocoee Charter as set forth herein;

WHEREAS, as to a proposed amendment to § C-8 of the Charter (Powers of the City), the municipal charters of the City’s neighbors, the Town of Windermere, the City of Apopka, and City of Winter Garden, as well as many other municipalities provide that their local governmental powers “shall be construed liberally in favor of the municipality;” that liberal construction is a judicial term of art that authorizes courts to effect the intended purpose of the language; that the existing language of the Charter provides for liberal construction of enumerated powers instead of all powers, and the Charter Review Commission determined that liberal construction is appropriate to effect the purposes for all of the City’s lawful powers;

WHEREAS, as to a proposed amendment to § C-8 of the Charter (Powers of the City), the Charter Review Commission determined that, enumerated powers of the City of Ocoee for the acquisition and disposal of property, including real property, should include the exchange of such properties;

WHEREAS, as to a proposed amendment to § C-11 of the Charter (Eligibility, Residency Requirement and Proof), the Charter Review Commission determined that, to uphold the integrity of the City’s elections, candidates for Mayor should reside in the City for at least one (1) year before qualifying, and candidates for Commissioner should reside in the district they seek to represent for at least one (1) year before qualifying, and that the candidates should furnish

such proof of meeting the residency requirement as the City Commission may prescribe by ordinance;

WHEREAS, as to a proposed amendment to § C-17 of the Charter (Successors), the Charter Review Commission determined that, by ordinance, the qualifying period for a candidate who seeks to be the successor to a Mayor or Commissioner who has resigned should occur early enough so that the successor's election occurs during the same election the resigning Mayor or Commissioner is running for another office; therefore, the Charter Review Commission determined that § C-17 should be amended to provide that the successor to the resigning Mayor or Commissioner should be elected at the next regular or general city election within 12 months of the resignation; the Charter Review Commission also approved of clarifying language in § C-17 and is recommending that the City Commission adopt an ordinance establishing that the qualifying period for candidates for Mayor and City Commissioner occur between noon the first Friday in December and noon the second Friday in December before the election, and such other five (5) business day qualifying periods as the City Commission may establish;

WHEREAS, as to a proposed amendment to § C-18 of the Charter (Independent Audit), the Charter Review Commission determined that the current requirement to procure a new auditor every three (3) years is too frequent due to the passage of Florida Statutes § 218.391, which is a safeguard against fraud and embezzlement by requiring municipalities to establish an auditor selection committee; therefore, the Charter Review Commission determined that the City Commission should have the authority to designate an accountant or accounting firm to serve as auditor annually or for a period not exceeding five (5) years;

WHEREAS, as to a proposed amendment to § C-21 of the Charter (Appointment, qualifications, compensation of the City Manager), the Charter Review Commission determined

that the City Commission should have the flexibility to reasonably relax the requirement for a new City Manager to reside in the City of Ocoee within one (1) year of beginning employment due to extenuating circumstances or market conditions, but only with unanimous consent;

WHEREAS, as to a proposed amendment to § C-28 of the Charter (City Clerk), the Charter Review Commission determined that the Charter should reflect actual practice such that the City Manager determines the salary of the City Clerk, subject to the budget approval of the City Commission;

WHEREAS, as to a proposed amendment to § C-45 of the Charter (Election dates and terms of office), the Charter Review Commission determined that, for clarity, the Charter should define the terms “regular election,” “special election,” and “general municipal election,” which are used in various sections of the Charter, and further, that a person elected to the office of Mayor or City Commissioner should be sworn-in immediately before the first regular meeting of the City Commission, instead of at the currently prescribed time of 7:00 p.m., given that City Commission meetings commence at 6:15 p.m.;

WHEREAS, as to a proposed amendment to § C-49 of the Charter (Conduct of Elections), the Charter Review Commission determined that the City Commission should have the flexibility to schedule elections and candidate qualifying periods by either resolution or ordinance;

WHEREAS, as to a proposed amendment to § C-50 of the Charter (Certification of results; canvass of returns; notification of successful candidates), the Charter Review Commission determined that the city clerks of the Town of Windermere, the City of Apopka, and the City of Winter Garden serve on each city’s respective election canvassing board; that the City Clerk of the City of Ocoee coordinates the City’s election activities and must certify election

results under § C-50; that for practical reasons the City Clerk of the City of Ocoee should serve on the City of Ocoee’s canvassing board together with two (2) citizens appointed by the City Commission, and, to increase citizen participation, the City Commission should appoint two (2) citizens as alternates to the canvassing board.

WHEREAS, § C-61 of the Charter further states, “The City Commission shall, within 45 days of receipt, review the report” of the Charter Review Commission. “If the City Commission has comments or recommendations, the City Commission will return its comments or recommendations, if any, to the Charter Review Commission within the same 45 day period.”

WHEREAS, § C-61 of the Charter further states, “The Charter Review Commission shall consider the comments or recommendations of the City Commission and then shall make its own final report to the City Commission, in ordinance form, which shall be adopted verbatim by the City Commission and which shall be placed on the ballot at the next municipal election.”

WHEREAS, pursuant to Florida Statutes § 166.031, on _____, 2023, the City Commission conducted an advertised public hearing and adopted this ordinance to submit to the voters at the next municipal election, on March 19, 2024, or as otherwise scheduled, proposing amendments to the Charter.

WHEREAS, Florida Statutes § 166.031(2) states, “Upon adoption of an amendment to the charter of a municipality by a majority of the electors voting in a referendum upon such amendment, the governing body of said municipality shall have the amendment incorporated into the charter and shall file the revised charter with the Department of State. All such amendments are effective on the date specified therein or as otherwise provided in the charter.”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF OCOEE, FLORIDA, AS FOLLOWS:

SECTION 1. Recitals. The foregoing recitals are incorporated as if set forth at length and are hereby made a part of this ordinance.

SECTION 2. Authority. The City Commission of the City of Ocoee has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida, Chapter 166, Florida Statutes, Chapter 5 of the City Code pertaining to elections, and § C-61 of the Charter, pertaining to the Charter Review Commission.

SECTION 3. Format of Proposed Amendments to the Charter. In the proposed amendments to the Charter in the sections that follow, words that are stricken are deletions; words that are underlined are additions; and stars (***) indicate omitted sections and subsections that do not represent Charter amendments.

SECTION 4. Proposed Amendment to § C-8 of the Charter: Powers of the City.

4.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-8 of the Charter to the qualified electors of the City of Ocoee:

§ C-8. Powers of the city.

The City of Ocoee shall have all governmental, corporate and proprietary powers and all other powers possible for a city to have under the Constitution and the laws of Florida as fully and completely as though they were specifically enumerated in this

Charter. ~~Except as otherwise provided herein, t~~The following powers of the city shall be construed liberally and in favor of the city to effect their intended purposes, and the specific mention of particular powers in the Charter shall not be construed as limiting, in any way, the powers granted to the city under the Constitution and the laws of Florida. The City of Ocoee's powers include:

B. Property rights. To purchase, lease, acquire by eminent domain, exchange, or otherwise obtain, receive and hold property or any interest in property, whether real, personal or intangible, for such municipal or other public purposes as the City Commission may, by ordinance or otherwise, deem necessary and proper; to sell, lease, exchange, or otherwise dispose of said property for the benefit of the city to the same extent that natural persons might or could do, except as otherwise provided herein.

4.2 **Ballot Title and Questions.** The ballot titles and summaries for the proposed amendments to § C-8 of the Charter, set forth in Section 4 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #1

AMENDMENT OF § C-8, CITY OF OCOEE CHARTER, TO LIBERALLY CONSTRUE THE CITY'S POWERS TO EFFECT THEIR INTENDED PURPOSES

Section C-8 of the City of Ocoee's Charter shall be amended to provide that the City of Ocoee's powers be liberally construed in favor of the city to effect their intended purposes.

Shall the above-described amendment be adopted?

YES

NO

Question #2

AMENDMENT OF § C-8, CITY OF OCOEE CHARTER, TO PROVIDE FOR THE EXCHANGE OF PROPERTY AS AN ENUMERATED MUNICIPAL POWER

Section C-8 of the City of Ocoee's Charter shall be amended to provide that the City's enumerated powers shall include the right to acquire or dispose of property, including real property, by exchange.

Shall the above-described amendment be adopted?

YES

NO

SECTION 5. Proposed Amendment to § C-11 of the Charter (Eligibility.

Residency Requirement and Proof).

5.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-11 of the Charter to the qualified electors of the City of Ocoee:

§ C-11. Eligibility. Residency Requirement and Proof.

Each candidate for the office of Mayor shall, ~~at the time of~~ for at least one (1) 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 (1) 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 one (1) year residency requirement as may be prescribed by ordinance.

5.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-11 of the Charter, set forth in Section 5 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #3

**AMENDMENT OF § C-11, CITY OF OCOEE CHARTER,
TO ESTABLISH ONE (1) YEAR RESIDENCY
REQUIREMENTS FOR CANDIDATES FOR MAYOR AND
CITY COMMISSIONER**

Section C-11 of the City of Ocoee’s Charter shall be amended to provide that candidates for Mayor shall reside in the City of Ocoee for at least one (1) year before qualifying as a candidate and to require candidates for City Commissioner to reside in the district they seek to represent for at least one (1) year before qualifying as a candidate.

Shall the above-described amendment be adopted?

YES

NO

SECTION 6. Proposed Amendment to § C-17 of the Charter (Successors).

6.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-17 of the Charter to the qualified electors of the City of Ocoee:

§ C-17. 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~~ a single-member district for the remainder of the term.
2. 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 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.

6.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-17 of the Charter, set forth in Section 6 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #4

**AMENDMENT OF § C-17, CITY OF OCOEE CHARTER,
TO PROVIDE FOR THE SUCCESSOR TO THE OFFICE OF
MAYOR OR COMMISSIONER TO BE ELECTED AT THE
NEXT REGULAR OR GENERAL CITY ELECTION, IF
HELD WITHIN TWELVE (12) MONTHS OF THE
VACANCY**

Section C-17 of the City of Ocoee’s Charter shall be amended to provide that the successor to the office of Mayor or City Commissioner shall be elected at the next regular or general city election, if held within twelve (12) months of the vacancy.

Shall the above-described amendment be adopted?

YES

NO

SECTION 7. Proposed Amendment to § C-18 of the Charter (Independent Audit).

7.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-18 of the Charter to the qualified electors of the City of Ocoee:

§ C-18. Independent Audit.

The City Commission shall provide for an independent annual audit of all city accounts in conformance with the auditor selection procedures of § 218.391, Florida Statutes, and may provide for more frequent audits as it deems necessary. Audits shall be made by a certified public accountant or firm of accountants who or which has no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The City Commission may designate such accountant or firm annually or for a period not exceeding ~~three (3)~~ five (5) years. If the state makes such an audit, the City Commission may accept it as satisfying the requirements of this section.

7.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-18 of the Charter, set forth in Section 7 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #5

AMENDMENT TO § C-18, CITY OF OCOEE CHARTER, TO AUTHORIZE THE CITY COMMISSION TO DESIGNATE AN ACCOUNTANT OR ACCOUNTING FIRM IN ACCORDANCE WITH THE PROCEDURES SET FORTH IN FLORIDA STATUTES § 218.391 ANNUALLY OR FOR A PERIOD NOT TO EXCEED FIVE (5) YEARS

Section C-18 of the City of Ocoee’s Charter shall be amended to authorize the City Commission to designate an accountant or accounting firm in accordance with the procedures set forth in Florida Statutes § 218.391 for a period not to exceed five (5) years.

Shall the above-described amendment be adopted?

YES

NO

SECTION 8. Proposed Amendment to § C-21 of the Charter (Appointment, qualifications, compensation of the City Manager).

8.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-21 of the Charter to the qualified electors of the City of Ocoee:

§ C-21. Appointment, Qualifications, Compensation of the City Manager.

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 unless such time is reasonably extended by the unanimous approval

of the City Commission, and thereafter shall remain a resident of the City while employed as City Manager.

8.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-21 of the Charter, set forth in Section 8 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #6

**AMENDMENT TO § C-21, CITY OF OCOEE CHARTER,
TO AUTHORIZE THE CITY COMMISSION TO
REASONABLY EXTEND THE REQUIREMENT FOR THE
CITY MANAGER TO BECOME A RESIDENT OF THE
CITY OF OCOEE**

Section C-21 of the City of Ocoee’s Charter shall be amended to authorize the City Commission to reasonably extend the requirement for the City Manager to reside in the City within one (1) year of beginning employment upon the Commission’s unanimous approval.

Shall the above-described amendment be adopted?

YES

NO

SECTION 9. Proposed Amendment to § C-28 of the Charter (City Clerk).

9.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-28 of the Charter to the qualified electors of the City of Ocoee:

§ C-28. City Clerk.

A. Appointment; powers and duties. 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 budget approval of the City Commission. ***

9.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-28 of the Charter, set forth in Section 9 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #7

AMENDMENT TO § C-28, CITY OF OCOEE CHARTER, TO CLARIFY THAT THE CITY CLERK’S SALARY IS SUBJECT TO THE CITY COMMISSION’S BUDGET APPROVAL

Section C-28 of the City of Ocoee’s Charter shall be amended to clarify that the City Manager shall determine the City Clerk’s salary, subject to budget approval by the City Commission.

Shall the above-described amendment be adopted?

___ YES

___ NO

SECTION 10. Proposed Amendment to § C-45 of the Charter

(Election dates and terms of office).

10.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-45 of the Charter to the qualified electors of the City of Ocoee:

§ C-45. Election dates and terms of office.

A. Regular Elections. A ‘regular election’ is an election held at a regular interval to elect the office of Mayor or City

Commissioner. Beginning in March 2021, regular municipal elections shall be held annually on the second Tuesday in March of each odd-numbered year. ***

B. Special Elections. A 'special election' is an election that may be held to fill a vacancy on the City Commission pursuant to § C-17 or to approve of an ordinance by initiative or repeal an ordinance by referendum pursuant to § C-19.

C. General Elections. A 'general city election' is any municipal election that is not a special election or regular election.

B.D. Notwithstanding the above, the term of office of any person elected to the office of Mayor or the office of City Commissioner shall commence upon being sworn into office and continue until such time as his or her respective successor is sworn into office. 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~~ 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 § C-50 of this charter. The incumbent Mayor and City Commissioners in office on the date of approval of this provision by the voters of the City shall continue to hold their respective offices until their successors

are sworn into office. Notwithstanding the foregoing, in the event that no candidate qualifies for the office of Mayor or a specific seat on the City Commission, then such office or seat shall be declared vacant by the Canvassing Board at its meeting following the regular municipal election.

10.2 **Ballot Title and Question.** The ballot title and summaries for the proposed amendments to § C-45 of the Charter, set forth in Section 10 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #8

AMENDMENT TO § C-45, CITY OF OCOEE CHARTER, TO DEFINE “REGULAR,” “SPECIAL,” AND “GENERAL CITY ELECTIONS”

Section C-45 of the City of Ocoee’s Charter shall be amended to define “regular elections” as those held at regular intervals for the election of Mayor and City Commissioner, “special elections” as those held to fill a vacancy in the office of Mayor or City Commissioner, for a citizen initiative to approve of an ordinance, or a referendum to repeal an ordinance, and “general elections” as any other municipal election.

Shall the above-described amendment be adopted?

YES

NO

Question #9

AMENDMENT TO § C-45, CITY OF OCOEE CHARTER, TO PROVIDE FOR THE SWEARING-IN OF A NEWLY-ELECTED MAYOR OR CITY COMMISSIONER

Section C-45 of the City of Ocoee’s Charter shall be amended to provide that any person elected to the office of Mayor or City Commissioner shall be sworn into office immediately prior to

commencement of the next regularly scheduled City Commission meeting held after the Canvassing Board declares the election results.

Shall the above-described amendment be adopted?

YES

NO

SECTION 11. Proposed Amendment to § C-49 of the Charter

(Conduct of Elections).

11.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-49 of the Charter to the qualified electors of the City of Ocoee:

§ C-49. Conduct of Elections.

The City Commission shall designate the places of polling for all city elections and shall give notice of all city elections in accordance with the laws of Florida. Except as otherwise set forth herein, the City Commission shall by ordinance provide for the printing of ballots, the conduct of elections, including absentee procedures, the canvass of returns, and all similar election details. Such ordinance shall, to the extent possible, ensure the secrecy of the ballot and the integrity of the poll. The City Commission may set the dates of elections and dates of qualifying of candidates by resolution or ordinance.

11.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-49 of the Charter, set forth in Section 11 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #10

**AMENDMENT OF § C-49, CITY OF OCOEE CHARTER,
TO AUTHORIZE THE CITY COMMISSION TO SET THE
DATES OF ELECTIONS AND CANDIDATE QUALIFYING
PERIODS BY RESOLUTION OR ORDINANCE**

Section C-49 of the City of Ocoee’s Charter shall be amended to authorize the City Commission to set the dates of elections and dates of qualifying periods for candidates by either resolution or ordinance.

Shall the above-described amendment be adopted?

___ YES

___ NO

SECTION 12. Proposed Amendment to § C-50 of the Charter

(Certification of results; canvass of returns; notification of successful candidates).

12.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-50 of the Charter to the qualified electors of the City of Ocoee:

§ C-50. Certification of results; canvass of returns; notification of successful candidates.

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 ~~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.

12.2 Ballot Title and Question. The ballot title and summary for the proposed amendment to § C-50 of the Charter, set forth in Section 12 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

Question #11

AMENDMENT OF § C-50, CITY OF OCOEE CHARTER, TO APPOINT THE CITY CLERK AND CITIZENS TO THE CITY OF OCOEE CANVASSING BOARD

Section C-50 of the City of Ocoee's Charter shall be amended to appoint the City Clerk to the City of Ocoee's election Canvassing Board in addition to two (2) citizens and two (2) citizen alternates appointed by the City Commission.

Shall the above-described amendment be adopted?

YES

NO

SECTION 13. Codification & Corrections. Any Charter amendment provided for in this Ordinance which receives affirmative votes from the majority of the votes cast shall be incorporated into the Charter of the City of Ocoee. Any section, paragraph number, letter and/or any heading may be changed or modified as necessary to effectuate the foregoing. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the Charter may be freely made.

SECTION 14. Directions to City Staff. City Staff, under the direction of the City Manager, are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the Charter amendments and referendum provided for herein, including putting the questions set forth herein on the ballot for the next municipal election on March 19, 2024, or as otherwise scheduled. If the Charter is amended by a majority vote of the qualified electors of the City, the City Clerk shall file a copy of the revised Charter with the Florida Department of State in accordance with § 166.031(2), Florida Statutes.

SECTION 15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, severed, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 16. Conflict. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

SECTION 17. Effective Date. This Ordinance shall become effective immediately upon passage and adoption. Any Charter amendment provided for herein shall become effective immediately upon approval by the qualified voters of the City of Ocoee and certification by the Supervisor of Elections or other appropriate officer or entity.

PASSED AND ADOPTED this ___ day of _____, 2023.

[Space intentionally blank]

ATTEST:

**APPROVED:
CITY OF OCOEE, FLORIDA**

Melanie Sibbitt, City Clerk

Rusty Johnson, Mayor

(SEAL)

ADVERTISED _____, 2023
READ FIRST TIME _____,
2023.
READ SECOND TIME AND ADOPTED
_____, 2023.
UNDER AGENDA ITEM NO. _____

**FOR USE AND RELIANCE ONLY BY THE
CITY OF OCOEE, FLORIDA; APPROVED
AS TO FORM AND LEGALITY**

this _____ day of _____, 2023.

FISHBACK DOMINICK

By: _____
Richard S. Geller
Special Counsel/Facilitator