



**OCOEE CHARTER REVIEW COMMISSION  
SPECIAL SESSION**

Ocoee City Hall  
1 N. Bluford Avenue  
Ocoee, Florida

**September 28, 2023**

**AGENDA**

**6:00 PM**

**• CALL TO ORDER**

Roll Call and Determination of Quorum

**• DISCUSSION/ACTION ITEMS**

1. Discussion on Board Member Suggested Change to Ballot Question #3

**• 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.

**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; REQUIRING CANDIDATES TO PROVIDE SUCH PROOF OF RESIDENCY AS MAY BE PRESCRIBED BY ORDINANCE; PROVIDING THAT EACH CANDIDATE SHALL CONSENT TO INVESTIGATION TO VERIFY THE CANDIDATE'S QUALIFICATIONS TO HOLD OFFICE; AND PROVIDING THAT NO CANDIDATE SHALL BE BARRED FROM RUNNING FOR OFFICE WITHOUT NOTICE, A HEARING, AND CLEAR AND CONVINCING EVIDENCE THAT THE CANDIDATE IS NOT QUALIFIED TO HOLD OFFICE.**

**(3) § C-16 (SALARIES, EXPENSES), TO PROVIDE THAT SALARIES OF THE MAYOR, MAYOR PRO TEM, AND COMMISSIONERS SHALL BE COMMENSURATE WITH THE PART-TIME NATURE OF THE DUTIES OF THE OFFICE.**

**(4) § 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;**

**(5) § 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;**

**(6) § 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;**

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

**(8) § 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;**

**(9) § 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;**

**(10) § 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;**

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

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

**(13) PROVIDING FOR SEVERABILITY AND A SAVINGS CLAUSE; AND**

**(14) 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 in a proposed Report in the form of an Ordinance to the City Commission;

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

**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**, on August 1, 2023, the City Commission considered the Preliminary Report of the Charter Review Commission and made oral comments and recommendations to the Charter Review Commission;

**WHEREAS**, on August 15, 2023, the City Commission held a public hearing, invited public comments on the proposed amendments to the Charter, and determined that the City Commission would make no further comments or recommendations to the Charter Review Commission;

**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**, on September 14, 2023, the Charter Review Commission held a publicly noticed meeting, considered the comments and recommendations of the City Commission, and approved of a Final Report in the form of this ordinance for transmission to the City Commission for approval, allowing for review of the final form of the ordinance before transmittal, in accordance with § C-61 of the Charter.

**WHEREAS**, no member of the Charter Review Commission requested any further review or amendment of this Ordinance before its transmittal to the City Commission for two readings and adoption;

**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; that each candidate should furnish such proof of meeting the residency requirement as the City Commission may prescribe by ordinance; that each candidate should consent to investigation to verify the candidate's qualifications to hold office; and no candidate shall be barred from running for office without notice, a hearing, and clear and convincing evidence that the candidate is not qualified to hold office;

**WHEREAS**, as to a proposed amendment to § C-16 of the Charter (Salaries, Expenses), the Charter Review Commission determined that salaries for the Mayor, Mayor Pro Tem, and Commissioners should be commensurate with the part-time nature of the duties of their office.

**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**, pursuant to Florida Statutes § 166.031, the City Commission conducted advertised public hearings and, after a first reading on October 3, 2023, adopted this Ordinance on October 17, 2023, to submit the proposed Charter amendments set forth herein to the voters at the next municipal election, on March 19, 2024, or as otherwise scheduled.

**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. Each candidate shall consent to investigation to verify the candidate's qualifications to hold office. No candidate shall be barred from running for office without notice, a hearing, and clear and convincing evidence that the candidate is not qualified to hold office.

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; PROVIDING THAT EACH CANDIDATE SHALL FURNISH PROOF OF RESIDENCY AS PRESCRIBED BY ORDINANCE; EACH CANDIDATE SHALL CONSENT TO INVESTIGATION TO VERIFY THE CANDIDATE'S QUALIFICATIONS TO HOLD OFFICE; AND PROVIDING THAT NO CANDIDATE SHALL BE BARRED FROM RUNNING FOR OFFICE WITHOUT NOTICE, A HEARING, AND CLEAR AND CONVINCING EVIDENCE THAT THE CANDIDATE IS NOT QUALIFIED TO HOLD OFFICE.**

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; candidates shall provide such proof of residency as may be prescribed by ordinance; candidates shall consent to investigation to verify the candidate's qualifications to hold office; and no candidate shall be barred from running for office without notice, a hearing, and clear and convincing evidence that the candidate is not qualified to hold office.

Shall the above-described amendment be adopted?

YES

NO

**SECTION 6. Proposed Amendment to § C-16 of the Charter (Salary; expenses)**

6.1 **Text of the Amendment.** The City shall submit the following proposed amendment to § C-16 of the Charter to the qualified electors of the City of Ocoee:

**§ C-16. Salary; expenses.**

The City Commission may determine the annual salary of the Mayor, the Mayor pro tem, and the Commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of members of the City Commission elected at the next regular city election, provided that such election follows the adoption of such ordinance by at least six (6) months. **Salaries shall be commensurate with the part-time nature of the duties of the office.** Members of the City Commission shall receive their actual and necessary expense incurred in the performance of their duties of office.

6.2 **Ballot title and question.** The ballot title and summary for the proposed amendment to § C-16 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-16, CITY OF OCOEE CHARTER,  
TO PROVIDE THAT SALARIES OF THE MAYOR,  
MAYOR PRO TEM, AND COMMISSIONERS SHALL BE  
COMMENSURATE WITH THE PART-TIME NATURE OF  
THE DUTIES OF THE OFFICE.**

Section C-16 of the City of Ocoee’s Charter shall be amended to provide that the salaries of the Mayor, Mayor Pro Tem, and Commissioners shall be commensurate with the part-time nature of the duties of the office.

Shall the above-described amendment be adopted?

YES

NO

**SECTION 7. Proposed Amendment to § C-17 of the Charter (Successors).**

7.1 **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 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.

7.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-17 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 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 8. Proposed Amendment to § C-18 of the Charter (Independent Audit).**

8.1 **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.

8.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-18 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-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 9. Proposed Amendment to § C-21 of the Charter (Appointment, qualifications, compensation of the City Manager).**

9.1 **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.

9.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-21 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-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 10. Proposed Amendment to § C-28 of the Charter (City Clerk).**

10.1 **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. \*\*\*

10.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-28 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-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 11. Proposed Amendment to § C-45 of the Charter**

**(Election dates and terms of office).**

11.1 **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 to 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.

11.2 **Ballot Title and Question.** The ballot title and summaries for the proposed amendments to § C-45 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 #9**

**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 #10**

**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 12. Proposed Amendment to § C-49 of the Charter**

**(Conduct of Elections).**

12.1 **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.

12.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-49 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-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 13. Proposed Amendment to § C-50 of the Charter**

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

13.1 **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.

13.2 **Ballot Title and Question.** The ballot title and summary for the proposed amendment to § C-50 of the Charter, set forth in Section 13 of this Ordinance, shall be set forth below, and shall be followed by the words “yes” and “no”:

**Question #12**

**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 14. 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 15.           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 16.           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 17.           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 18.           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.

**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: \_\_\_\_\_

A. Kurt Ardaman  
City Attorney