



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,~~ 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.

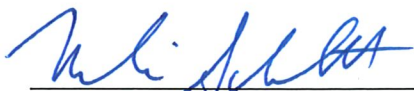
• **PUBLIC COMMENTS**

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