



Charter Review Commission

Ocoee City Hall
1 N. Bluford Avenue
Ocoee, Florida

September 14, 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 McTavish (1st Alt.), Alternate Member Butler (2nd Alt.). Also present were CRC Facilitator/Board Attorney Geller, and Recording Clerk Sibbitt.

Absent: None

- **APPROVAL OF MINUTES**

Motion: Move to approve the July 20, 2023, Charter Review Commission Meeting Minutes as presented; Moved by Member Lovejoy, seconded by Member Lowrie; Motion carried 5-0.

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

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

Chair Forges turned the meeting to CRC Facilitator/Board Attorney Geller.

CRC Facilitator/Board Attorney Geller explained that he incorporated the changes from the City Commission Meeting discussion into the matrix before them. The Charter Review Commission can accept or reject the changes. He briefly summarized the requirement for the adoption of the ordinance by the City Commission once the Charter Review Commission finalizes it.

The Board discussed the following items within the comparison matrix report:

- Should the CRC propose to amend C-11 to state that each candidate shall consent to an investigation of qualifications to hold office?
- Should the CRC propose to amend C-11 to expressly authorize any bona fide resident of the City to challenge the qualifications of a candidate?

CRC Facilitator/Board Attorney Geller explained the proposed changes he made to C-11 following the comments from the City Commission.

C-11. "...A candidate for Mayor or Commissioner shall furnish such proof of meeting the one-year residency requirement as may be prescribed by ordinance. Each candidate shall consent to such investigation as may be necessary to verify the candidate's qualifications to hold office. Any bona fide resident of the City of Ocoee may challenge the qualifications of a candidate for Mayor or Commissioner in accordance with such procedures as may be prescribed by ordinance."

Before opening the floor for discussions, **Chair Forges** thanked the Charter Review Commission for their hard work as the City Commission had very few changes they proposed to the ordinance report they presented.

Lengthy discussion ensued on background checks, type of background checks, and what is entailed in a background check.

CRC Facilitator/Board Attorney Geller briefly shared hypothetical procedures that could be implemented if someone challenged the qualifications of a candidate. Further discussion ensued on background checks, timeframe to complete a background check, and costs involved.

After much deliberation, **CRC Facilitator/Board Attorney Geller** proposed the following language:

"Each candidate shall consent to such investigation the City Commission may order to verify the candidate's qualifications to hold office. A challenge to the qualifications of a candidate for Mayor or Commissioner to hold office shall be based on clear and convincing evidence and shall be determined in accordance with such procedures as may be prescribed by ordinance."

Discussion ensued on the challenge to a qualification, if background checks would have to be conducted on incumbents, and if other agencies conduct background checks.

Recess 7:27 PM – 7:36 PM

After discussion, the following updated language was proposed:

“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.”

Motion: Move to accept the newly proposed language for C-11, as follows: “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.” Moved by Member Lovejoy, seconded by Member Lowrie; Motion carried 5-0.

CRC Facilitator/Board Attorney Geller shared the comments by Commissioner Wilsen and Commissioner Hart, related to C-16, from the August 1, 2023 Regular City Commission Meeting. Both voiced that the job duties are part-time in nature.

CRC Facilitator/Board Attorney Geller explained the proposed change he made to C-16 following the comments from the City Commissioners.

§ C-16. Salary; expenses. [Amended 12-1- 2009 by Ord. No. 2009-0301] 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 office.** Members of the City Commission shall receive their actual and necessary expense incurred in the performance of their duties of office.

Discussion ensued on the current salary of the Mayor and City Commissioners, additional funds they may be provided, and definition of part-time.

Motion: Move to accept the newly proposed language for C-16, as follows: “Salaries shall be commensurate with the part-time nature of the duties of office.”; Moved by Member Lowrie, seconded by Member Chacon; Motion carried 5-0.

The Board discussed the current City Manager and his residency. **CRC Facilitator/Board Attorney Geller** shared the comments by Mayor Johnson, related to C-21, from the August 1, 2023 Regular City Commission Meeting. The Mayor opposed the lengthening in time required to establish residency.

The proposed language presented by the Board was as follows:

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

Member Lovejoy voiced concerns with the current housing market and unforeseen circumstances that may come up when seeking employment. Discussion ensued.

Motion: Move to keep the existing language for C-21; Moved by Member Chacon, seconded by Member Lovejoy;

The board agreed with the Mayor's comments but felt it was prudent to give the City Commission flexibility to unanimously consider an extension under extraordinary circumstances.

Motion carried 5-0.

Once all City Commission comments were addressed, **CRC Facilitator/Board Attorney Geller** summarized the changes the Board agreed upon, and explained each change he would make to the proposed ordinance before them.

Motion: Move to approve and transmit to the City Commission the CRC final report in ordinance form as set forth and amended by the CRC on September 14, 2023, subject to final review by the CRC members by email; Moved by Member Lowrie, seconded by Vice-Chair Sills; Motion carried 5-0.

Member Chacon inquired about the next step process for the Board. **CRC Facilitator/Board Attorney Geller** addressed his question, and explained the timeframe needed for their response. He further explained the presentation of the ordinance. **Member Chacon** informed Recording Clerk Sibbitt his willingness to assist with Spanish translation for the ballot questions.

• **PUBLIC COMMENTS** - *None*

• **ADJOURNMENT**

The meeting adjourned at 8:27 p.m.

Attest:



Melanie Sibbitt, Recording Clerk