



## Charter Review Commission – Special Session

Ocoee City Hall  
1 N. Bluford Avenue  
Ocoee, Florida

September 28, 2023

MINUTES

6:15 p.m.

- **Call to Order**

**Chair Forges** called the meeting to order at 6:15 p.m., in the Lake Olympia Conference Room of City Hall, located at 1 N. Bluford Avenue. **Recording Clerk Sibbitt** called roll and declared a quorum present.

**Present:** Chair Forges, and Members Chacon, Lovejoy, and Lowrie, Alternate Member McTavish (1<sup>st</sup> Alt.), and Alternate Member Butler (2<sup>nd</sup> Alt.). Also present were CRC Facilitator/Board Attorney Geller, and Recording Clerk Sibbitt.

**Absent:** Vice-Chair Sills.

**Chair Forges** explained that the Special Session had been called to discuss suggested changes to Charter Amendment Ballot Question #3.

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

**CRC Facilitator/Board Attorney Geller** proposed that Member Chacon, having recommended the changes, take the CRC through his suggestions.

**Member Chacon** explained his suggested revisions for Charter Amendment Ballot Question #3, by separating the question into two ballot questions as follows:

### Question #3a

**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

**Question #3b**

**~~AMENDMENT OF § C-11, CITY OF OCOEE CHARTER, TO ESTABLISH THAT 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 FOR MAYOR AND CITY COMMISSIONER 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 and 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

Discussion ensued on the suggested revision.

**Brad Lomneck**, *Ocoee resident*, commented that Florida Statutes already covers what bars a candidate from being a candidate. He explained that he feels both actions pertain to the same issue; determining the qualifications for candidacy. He further voiced that though he thinks the wording of the ballot question can be improved, he believes it should remain one question. Discussion ensued.

**Alternate Member McTavish** shared that she agrees with splitting the ballot question into two questions, and explained her position. Discussion ensued.

**Member Lowrie** shared his perspective on the proposed verbiage and explained that he likes the idea of having two questions, further detailing his position. Discussion ensued.

**CRC Facilitator/Board Attorney Geller** requested consensus to utilize the term 'background check' instead of 'investigation.' Discussion ensued.

**Motion: Move to split Charter Amendment Ballot Question #3 into two questions, as suggested by Member Chacon, with the second question being revised to consent to a background check instead of investigation; Moved by Member Chacon, seconded by Member Lowrie; Motion carried 5-0.**

**CRC Facilitator/Board Attorney Geller** explained a suggestion made by Member Chacon, to clarify Charter Amendment Ballot Question #6 by adding the phrase 'annually or' in conjunction with the phrase 'for a period not to exceed five (5) years.'

#### 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 annually or for a period not to exceed five (5) years.

**Brad Lomneck**, *Ocoee Resident*, voiced concerns with adding the phrase 'annually.' Discussion ensued.

**Motion: Move to amend Charter Amendment Ballot Question #6 to add the term 'annually or' before 'for a period not to exceed five (5) years'; Moved by Member Lovejoy, seconded by Member Chacon; Motion carried 5-0.**

**CRC Facilitator/Board Attorney Geller** explained a suggestion made by Member Chacon to add 'upon the Commission's unanimous approval,' to the title, with respect to reasonably extending the residency requirement for the City Manager, as proposed in Charter Amendment Ballot Question #7. He further explained the suggestion to add 'of Ocoee' after '...the requirement for the City Manager to reside in the City' within the question itself.

**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 UPON THE COMMISSION'S UNANIMOUS APPROVAL.**

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 of Ocoee within one (1) year of beginning employment upon the Commission's unanimous approval.

**Motion: Move to amend the title of Charter Amendment Ballot Question #7 to add the term 'upon the Commission's unanimous approval,' and further amend the question to add the term 'of Ocoee' after '...the requirement for the City Manager to reside in the City'; Moved by Member Lowrie, seconded by Member Chacon; Motion carried 5-0.**

**CRC Facilitator/Board Attorney Geller** brought up for consideration comments made at the most recent City Commission meeting by Jim Moyer, Ocoee resident, with respect to the existing language in § C-11 that talks about being a 'bona fide' resident of the City. Mr. Moyer had stated he believed the term should be 'principal residence.' Discussion ensued; no motion was made.

**CRC Facilitator/Board Attorney Geller** noted that the First Reading of the proposed Ordinance would take place on October 3<sup>rd</sup>, and explained the changes he would make to the Ordinance to account for the Special Session and the revisions that were considered and approved. **Recording Clerk Sibbitt** clarified that the First Reading would occur on October 3<sup>rd</sup>, with the Second Reading and Public Hearing taking place on October 17<sup>th</sup>. **CRC Facilitator/Board Attorney Geller** further requested a final vote to approve the Ordinance and to transmit it to the City Commission.

**Motion: Move to approve the Ordinance containing the suggested amendments from the Charter Review Commission; and further, transmit the updated Ordinance to the City Commission; Moved by Member Lovejoy, seconded by Member Lowrie; Motion carried 5-0.**

- PUBLIC COMMENTS - None
- ADJOURNMENT

The meeting adjourned at 6:52 p.m.

**ATTEST:**



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Melanie Sibbitt, Recording Clerk