



For more information, Contact:
Angee Grimmage, City Clerk
City of Winter Garden
300 West Plant Street
Winter Garden, FL 34787
407.656.4111 ext. 2297
cityclerk@cwgd.com

CHARTER REVIEW COMMITTEE

BOARD MEMBERS

Steve Ambielli	Andy Davis
Doug Bartow	Christopher Lee
Derek Blakeslee	Millie Lord
Larry Cappleman	Ed McKinney
Phil Cross	Ron Mueller

OTHER ATTENDEES

Dan Langley – City Attorney
Drew Smith – Facilitator
Angee Grimmage – City Clerk
Venice Alexander – Recording Clerk

RE: **AGENDA – August 26, 2019 - 5:30 PM**

City Hall - Commission Chambers
300 West Plant Street, Winter Garden

- 1. CALL TO ORDER**
Determination of Quorum
- 2. APPROVAL OF MINUTES – August 12, 2019**
- 3. PUBLIC COMMENT** (*Limited to 3 minutes per speaker*)
- 4. Article VII – CHARTER REVIEW AND AMENDMENT**
Sec. 61 – Charter review; amendment
- 5. Article VIII – FISCAL MANAGEMENT**
Sec. 62 – Fiscal year
Sec. 63 – Submission of budget; budget message
Sec. 64 – Budget
Sec. 65 – Amendments after adoption
Sec. 66 – Capital program
Sec. 67 – Issuance of bonds
Sec. 68 – Independent audit
Sec. 69 – Reserved
- 6. Article IX – MISCELLANEOUS PROVISIONS**
Sec. 70 – Severability clause
- 7. BEGIN FINAL REVIEW**
- 8. GENERAL DISCUSSION**
- 9. ADJOURNMENT - 7:30 PM** – to a regular Charter Review Committee meeting on Monday, **September 23, 2019** at 5:30 p.m. in City Hall Commission Chambers, 300 W. Plant Street, 1st Floor

PLEASE NOTE: IN ACCORDANCE WITH FLORIDA STATUTE 286.26: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT CITY CLERK - ANGEE GRIMMAGE, 300 WEST PLANT STREET, WINTER GARDEN, FL 34787, (407) 656-4111, EXT 2297 - 48 HOURS IN ADVANCE OF THE MEETING.



City of Winter Garden
CHARTER REVIEW COMMITTEE
Regular Meeting Minutes
August 12, 2019

A **REGULAR MEETING** of the City of Winter Garden Charter Review Committee (CRC) was called to order by CRC Chairperson Derek Blakeslee at 5:30 p.m. at 300 West Plant Street, Winter Garden, Florida.

ATTENDANCE/ROLL CALL:

BOARD MEMBERS – PRESENT

Derek Blakeslee - Chairperson
Doug Bartow Christopher Lee
Phil Cross Ed McKinney
Andrea Davis Ron Mueller

OTHER ATTENDEES

Drew Smith – Facilitator
Angee Grimmage – City Clerk
Venice Alexander – Recording Clerk

ABSENT: Steve Ambielli, Larry Cappleman and Millie Lord

1. Call to Order

The meeting was called to order and a quorum was determined.

2. Approval of Minutes

Motion by CRC Member Mueller to approve regular meeting minutes of July 22, 2019 as submitted. Seconded by CRC Member Bartow and carried unanimously 10-0.

3. Public Comments - There were none.

4. Article V – ELECTIONS

CRC Chairperson Blakeslee addressed the order of business for this meeting and items to be covered at the next meeting. He noted that language would be drafted and brought back to the next meeting by Facilitator Smith and would cover items that had been slated for discussion. He noted that in beginning the final review, the CRC should be able to review everything in its entirety at the next meeting. The CRC reviewed and discussed the following items:

Sec. 38 – Referendum – There were no noted changes.

CRC Member McKinney inquired of Facilitator Smith as to the statutes or laws that would cause a referendum. The CRC discussed referendum and circumstances in which it would be used.

Sec. 39 – Conduct generally

Sec. 40 – Party insignia on ballots; form to be as in state, county election

There was discussion non-partisan affiliation for local elections and issues of first amendment rights, and ballot language requirements and restrictions.

Sec. 41 – Qualification of candidates in districts; time; procedure; runoff election

CRC Chairperson Blakeslee commented on the issue of a coin flip noting that he wished there could be something else instead. He shared that dates in this section were kept out of the charter and suggested that those should be included in the ordinances. Facilitator Smith shared how the inclusion of specific date information could pose challenges for the Orange County Supervisor or Elections who may need to adjust dates.

City Clerk Grimmage noted that the Orange County Supervisor of Elections Bill Cowles has requested of the City Clerks doing charter reviews with their cities to review the possibility of doing away with run-off elections. There was discussion on the costs involved and that it is essentially another election. There was discussion on how this is handled and it was noted that it is the plurality of votes; whoever gets the most votes win.

CRC Member Davis inquired of City Clerk Grimmage as to whether the CRC had to follow this recommendation. City Clerk Grimmage responded, no, the decision is entirely up to the CRC to decide; Orange County Supervisor of Elections Cowles wanted to be sure that the City Clerks who are in Charter Review take the opportunity to have it considered. There was discussion that the CRC may need to contemplate issue of run-off elections more and discuss at the next meeting.

Sec. 42 – Fee; withdrawal – There were no noted changes.

Sec. 43 – General elections – There were no noted changes.

Sec. 44 – Special elections – There were no noted changes.

Facilitator Smith sought confirmation that the special elections are also run through the Orange County Supervisor of Elections. City Clerk Grimmage responded yes.

Sec. 45 – Write-in candidates – There were no noted changes.

Sec. 46 – Absentee voting

City Clerk Grimmage noted that the legislature has changed the terminology of “absentee” to “Vote-by-Mail” as noted in Senate Bill number 112, Chapter 2016-37 which amends State Statutes. There was discussion on reviewing other cities for language used relating to this item.

Sec. 47 – **Polling place** – There were no noted changes.

Sec. 48 – **Canvassing board**

CRC Chairperson Blakeslee informed that this is the group that certifies the election and there was discussion on how it was accomplished in the past.

City Clerk Grimmage noted having a recent challenge with the Section 48(1) requirement that the appointment of the canvassing board member be at least ninety (90) days before July 1st. She suggested removal of the ninety (90) days and have the language say before July 1st. There was discussion on the issue of the ninety (90) days having no statutory requirement to substantiate it.

The CRC discussed the last phrase of Section 48(1) and explained the meaning of the language “until their successors are appointed”.

Sec. 49-54 - **Reserved** – There were no noted changes.

5. **Article VI – INITIATIVE AND CITIZEN REFERENDUM**

CRC Chairperson Blakeslee addressed challenging issues dealing with this article, noting anything under this article will be contentious and gave a brief overview summary of the following Article VI section.

Sec. 55 – **Initiative and referendum** – There were no noted changes.

CRC Chairperson Blakeslee noted the challenge in reading Section 55(1) but noted that it does read correctly.

CRC Member McKinney sought clarification on the use of the term ordinance in Section 55(2) and wondered if it was correct in being there. Facilitator responded yes, it is fairly standard because of the operational decisions being made here is for the running of the City and those should not be pulled into the referendum process. He noted that there would be specific exclusion in there for the same reason.

Sec. 56 – **Commencement of proceedings** – There were no noted changes.

Sec. 57 – **Petitions**

CRC Member Mueller indicated that there may be a potential need for adding language which addresses future petition submissions by electronic means. He wondered if there should be language to address this issue and noted the current existence of electronic ballots, electronic signatures and electronic data gathering. Facilitator Smith expressed that currently the City Clerk’s office would possibly be more comfortable with paper as it is verifiable; noting that

there is so much that goes on behind the scenes and outside of what the City Clerk can see when dealing with electronic. CRC Chairperson Blakeslee noted that he would not know how signatures would be verified and spoke of current signature verification. CRC Member Mueller addressed the change in the technology stage since the last charter review, today's technology during this review and changes that may occur by a future review. CRC Member Bartow surmised a potential future of retinal scans that will be somehow coded into some large data file; noting that Sci-Fi is coming.

Facilitator Smith shared that there is already the potential disconnect with the signor being fully educated on the issue of the petition; sometimes not discovering full disclosure about the issue of the petition until it is being reviewed by the City Clerk.

CRC Member Mueller interjected that his thought was not actually regarding someone needing to log onto a computer to sign the petition, but more of someone standing at a location with an iPad collecting the signatures. CRC Member Blakeslee

There was discussion on Section 57(4) and the requirement of thirty (30) days after the adoption on an ordinance to file a citizen referendum petition. The discussions centered on the length of time and the procedures involved to successfully complete a petition. Facilitator Smith shared some experiences with this issue from another municipality and introduced both sides of the scenario for the CRC to consider. It was noted that instead of the thirty (30) days noted, will change to **forty-five (45) days**.

Sec. 58 – Procedure of filing

Facilitator Smith addressed **Section 58(1)** and suggested the addition of “**business days**” where two (2) days and five (5) days is stated. He shared his experience at another municipality during court proceedings and noted that court proceedings do not apply to the City's charter so suggested specifying business days when speaking of business days.

CRC Chairperson Blakeslee noted that sections one (1) and two (2) of Section 57 may need notation here; at this point it is only implied. It was the **consensus** of the CRC to specify **Section 57** for clarification.

The addition of “**business days**” where two (2) days is noted in Section 58(2) will also change.

Sec. 59 – Action on petitions

CRC Chairperson Blakeslee addressed language in Section 59(2) noting 30 days is not enough time to get an item on a ballot and out to the voters. There was discussion that “up to a year” is also included in that language. CRC Member Mueller inquired as to whether placing these types of restraints would be too restrictive. Facilitator Smith responded no, once the issue is here it is an argument and there is nothing here that is not necessary. He explained some of the process and noted how labor intensive this process will become for the City Clerk and

how any challenge becomes very involved with every single paragraph possibly being used.

CRC Member McKinney sought clarification on whether there would be any changes to the thirty (30) days as mentioned earlier. After some discussion on the issue; it was the **consensus** of the CRC to leave this item as written.

Sec. 60 – **Results of election** – There were no noted changes.

6. GENERAL DISCUSSION

CRC Member Mueller thanked CRC Chairperson Blakeslee for his summarization of the items in Article VI.

CRC Chairperson Blakeslee read an overview of a drafted agenda for possible consideration for the next meeting. There was discussion on the presentation to the City Commission, draft language, and possible advertisement of the ballot questions. Also discussed was the review for August 26, No meeting for September 9, finalization and submission to the City Commission to be discussed on September 23, 2019.

7. Adjournment

Motion by CRC Member Mueller to adjourn meeting. Seconded by CRC Member McKinney and carried unanimously 10-0.

The meeting adjourned at 7:30 p.m.

Approved

Derek Blakeslee, CRC Chairperson

Attest

Angee Grimmage, City Clerk

ARTICLE I. – INCORPORATION; FORM OF GOVERNMENT; POWERS

* * *

Sec. 5. ~~Sale of alcoholic beverages.~~

~~All regulations affecting the location of any establishment selling intoxicating liquor, wine, or beer for consumption on the premises shall be subject to a referendum of the voters; and except for restaurants that derive more than fifty-one (51) percent of their annual revenue from the sales of food and nonalcoholic beverages served for consumption on the premises, any establishment selling intoxicating liquors, wine, or beer, for consumption on the premises, shall not be located less than one thousand two hundred (1,200) feet from a school or an established church within the corporate limits of the city.~~

* * *

ARTICLE II. – THE CITY COMMISSION

* * *

Sec. 11. - Number, selection, term, compensation.

- (1) There shall be a city commission consisting of a mayor-commissioner who shall represent the entire city and be elected at large by the voters of the city, and four (4) commissioners each of whom shall represent a single member district and be elected by the voters in the district they represent. The mayor-commissioner and commissioners shall be qualified as hereinafter prescribed, and their term of office shall begin on the first regular meeting of the city commission after their election. The term of office of the mayor-commissioner and the commissioners shall be ~~three~~ four (34) years.
- (2) The present members of the city commission shall hold their seats for the term of office for which they were respectively elected, or until their successors have been elected and take office. Consecutive terms of any member of the city commission shall be limited to two consecutive full terms in office either as commissioner or mayor-commissioner, or any combination thereof. A partial term served by a member of the city commission shall not be counted toward the term limit.
- (3) The mayor-commissioner shall preside as chairperson of meetings of the commission, represent the city in intergovernmental relationships, present an annual state of the city message, and perform other duties as specified by the commission. The mayor-commissioner shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The mayor-commissioner as a city commission member shall have a voice and a vote in the proceedings of the commission; but no veto power.
- (4) At the first regular commission meeting after an election, including any runoffs and swearing in of commissioner(s), the commission shall elect from among its members a mayor pro-tem, who shall serve until a successor is elected. The mayor pro-tem shall act as mayor during the absence or disability of the mayor.

- (5) The commission may determine the annual salary of the mayor-commissioner and the commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the mayor-commissioner and/or commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. The mayor-commissioner and the commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office in accordance with city policies

* * *

Sec. 15. - Forfeiture of office.

A city commission member shall forfeit his/her office if during the term of office such commissioner:

- (a) Fails to maintain residency and voter registration requirements of section 12 of this charter;
- (b) Violates any express prohibition of this charter;
- (c) Is convicted of a crime involving **moral turpitude**¹; or
- (d) Fails to physically attend three (3) regular, consecutive commission meetings without being excused by the city commission.

Sec. 16. - Judge of forfeiture.

The city commission shall be the judge of the grounds for forfeiture of office for its members. In order to exercise these powers, the commission shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. ~~A commission member charged by two (2) or more commissioners with conduct constituting grounds for forfeiture of office shall, upon request within five (5) business days of written notification of the charge, be entitled to a public hearing. Upon a majority vote of the members of the city commission eligible to vote on such matter, a hearing to consider forfeiture shall be scheduled no sooner than fourteen (14) days from the date said vote is taken. Written notice of the hearing to consider forfeiture shall be mailed to any commissioner who is the subject of such forfeiture hearing at least ten days prior to the date of the forfeiture hearing. Notice of such public hearing shall also be published in a newspaper of general circulation in the city at least one (1) week in advance of the hearing. At the forfeiture hearing, the city commission shall receive sworn testimony and evidence. Formal rules of evidence shall not apply but fundamental due process shall be observed and shall govern the proceedings. No city commissioner's office shall be deemed forfeited unless Aat least three (3) members of the commission must vote in favor of a motion to declare the office forfeited. approve the forfeiture of office of any commission member.~~

¹ See City Attorney correspondence attached as Exhibit "1."

Sec. 17. - Vacancies in commission.

- (1) The office of mayor-commissioner or commissioner shall become vacant upon the death, resignation, forfeiture or removal from office in any manner prescribed by law or this charter.
- (2) Unless otherwise prescribed by general law, a vacancy on the commission shall be filled in the following manner:
 - (a) If there are ~~six~~twelve (~~6~~12) months or less remaining in the unexpired term of the vacant office, within ~~thirty~~ forty-five(~~30~~45) days of the occurrence of the vacancy, the commission by majority vote of its remaining members shall appoint a qualified person to fill the vacant office to serve the remainder of the term. Within ~~fifteen~~ thirty(~~15~~30) days of the occurrence of the vacancy, those persons interested in qualifying for appointment to the vacant office shall submit to the city clerk their name and other such information showing that they meet the qualifications for holding office pursuant to Section 12 of this charter. After the ~~fifteen~~ thirty (~~15~~30) day qualifying period, but before the expiration of ~~thirty~~ forty-five (~~30~~45) days after the occurrence of the vacancy, the commission shall hold a special meeting for the purpose of filling the vacancy and at such meeting allow public comment on the matter. If the commission does not appoint a qualified person by the expiration of ~~thirty~~ forty-five (~~30~~45) days after the occurrence of the vacancy, the vacant office shall be filled by drawing lots among the qualified persons receiving at least two (2) votes from the remaining commission members.
 - (b) If there are more than ~~six~~ twelve (~~6~~12) months remaining in the unexpired term of the vacant office, the commission shall schedule a special election to fill the vacancy and such election shall be held not sooner than forty-five (45) days and not later than sixty (60) days following the occurrence of the vacancy.

Sec. 18. - Induction of commissioners into office; meetings.

- (1) All meetings of the city commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.
- (2) The first meeting of newly elected mayor-commissioner and/or commissioners for induction into office, shall be held at the first regular meeting following their election, after which the commission shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month.
- (3) The mayor-commissioner or any two (2) members of the commission may call special meetings of the city commission through the city clerk's office, upon no less than twelve (12) hours' notice to each commissioner delivered in a reasonable manner.²

² See City Attorney correspondence attached as Exhibit "2."

- (4) The mayor-commissioner or any two (2) members of the commission may convene an emergency commission meeting upon reasonable notice of such meeting given to each commission member. The first order of business at an emergency commission meeting shall be the determination, by affirmative vote of at least three (3) members of the commission that an emergency situation involving health, safety, or public welfare warranting commission action exists. Only matters relating to the emergency may be considered at the emergency meeting and any action taken at such meeting must be approved by at least three (3) members of the commission, except for emergency ordinances which shall be adopted in accordance with this charter.

* * *

Sec. 20. - Adoption of ordinances; procedure; effective date.

- (1) All action by the city commission of a legislative character shall be by ordinance. Every proposed ordinance shall be introduced in written or printed form, and shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be, "Be it Enacted by the City of Winter Garden."
- (2) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall be advertised in accordance with applicable state law, at least ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Winter Garden and the notice shall state the date, time and place of the meetings, the title or titles of proposed ordinances, and the place or places within the municipality where such proposed ordinances may be inspected by the public and comply with applicable statutory notice requirements. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (3) After such hearing, the commission may finally pass such ordinance with or without amendment. The second passage of any ordinance shall be final and no further passage shall be required. All adopted ordinances shall become effective ten (10) days after adoption unless otherwise specified therein.
- (4) If a proposed ordinance is defeated either on the first or second reading, the same cannot be again reconsidered for a period of ninety (90) days.

Sec. 21. - Emergency measures.

The city commission by affirmative two-thirds (2/3) vote of the total members of the city commission³ may enact ordinances dealing with emergencies at the meeting at which they are introduced. A member of the city commission shall be allowed to vote telephonically on any emergency measure provided that such commissioner can hear all speakers and can be heard by the city commission and the public during deliberations on the measure. Any new and unexpected condition or occurrence of a nonrecurring nature that constitutes an immediate and

³ See Correspondence from City Attorney attached as Exhibit "3."

serious menace to the public welfare of the city, shall be deemed an emergency. When no expenditure of city funds is entailed, emergency ordinances may be temporarily effective for a period of not more than fifteen (15) days from the date of their passage; but such ordinances shall be subject to all other provisions of this charter governing the enactment of ordinances, and if not finally adopted in the manner herein provided shall expire at the end of the time for which they are temporarily effective. An emergency ordinance authorizing the expending of funds by the city for other than a regular or recurring requirement, may be effective upon any date fixed in the ordinance by the city commission. Every emergency ordinance shall set forth specifically the conditions or occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper thereafter published and of general circulation in the City of Winter Garden, in addition to the other publications required herein, and shall be captioned as an emergency ordinance.

* * *

~~Sec. 22. - Revision of ordinances.~~

~~The city commission may from time to time revise, compile, and codify the ordinances of the city and upon adoption of such revision and compilation, the same shall be in full force and effect without further publication, as provided in the Florida Statutes.~~

Sec. 23. - Repeal of ordinances.

The repeal of any ordinance shall not ~~repeal the repealing clause of such ordinances, or~~ revive any ordinance which ~~has been~~ was repealed thereby.

* * *

Sec. 25. - Commission districts; adjustment of districts.

- (1) There shall be four (4) city commission districts. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of streets whenever possible. The aggregate length of all district boundaries shall be as short as possible. The districts shall be approximately equal in population based upon the principal of equal and effective representation as required by the federal and state constitutions. Deviation in the population of a district when formed may not exceed five (5) percent of the average population for all commission districts.

- (2) A five (5) member districting commission shall be created to study and propose the readjustment of district boundaries when required herein. The five (5) member districting commission shall be appointed in the following manner. The mayor-commissioner shall appoint one (1) elector who resides in the city and each of the four (4) commissioners shall appoint one (1) elector who resides in their respective district. Residency of the districting commission members is to be determined from the most current voter registration rolls. Each appointment to the districting commission shall be confirmed by a majority vote of the city commission. Electors chosen shall not be employed by the city.
- (3) A districting commission shall be created upon the following circumstances:
 - (a) Within forty-five (45) days following official certification of the decennial census of the state; or
 - (b) ~~Commencing on April 30, 2008, if~~ the population of any district in the city becomes fifty (50) percent greater than the population of the smallest district prior to the decennial census of the state, unless such occurs within one (1) year of the decennial census. The city shall annually review the estimated population of each district.
- (4) Within one hundred and twenty (120) days of being created, the districting commission shall file with the official designated by the city commission, a report containing a recommended plan for adjustment of the commission district boundaries. The report shall include a map and description of the proposed districts and shall be drafted in the form of a proposed ordinance and upon filing shall be treated as an ordinance introduced by a commissioner.
- (5) It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.
- (6) The procedure for the city commission's consideration of the report shall be the same as for other ordinances, provided that if a summary of the ordinance is published pursuant to this charter and general law, it must include both the map and a description of the recommended districts.
- (7) The commission shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election, however if the commission fails to do so, the report of the districting commission shall go into effect at that time and have the effect of an ordinance.

* * *

ARTICLE III. – CITY MANAGER.

* * *

Sec. 27. - Removal of city manager.

Prior to the end of the city manager's contract, the city commission may remove the city manager by an affirmative vote of at least three (3) of its members. At least thirty (30) days before such removal shall become effective, the commission shall by an affirmative vote of at least three (3) of its members adopt a preliminary resolution stating the reasons for the city manager's removal.

Within seven (7) days of the date of the preliminary resolution, the manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. If a public hearing is requested as provided herein, the removal shall not be effective until after such hearing is conducted. After such public hearing, if one be requested, and after full consideration, the city commission by an affirmative vote of at least three (3) of its members may adopt a final resolution of removal.

By the preliminary resolution the city commission may suspend the city manager from duty, but shall in any case continue to pay full salary to the city manager until the effective date of a final resolution of removal. Upon the expiration of the city manager's contract, the above process is not applicable and the city commission may remove the city manager by an affirmative vote of at least three (3) commissioners.

Sec. 28. - Qualifications.

The city manager shall be chosen by the city commission solely on the basis of executive and administrative qualifications, with special reference to actual experience in, or knowledge of, accepted practice in respect to the duties of the office as hereinafter set forth. At the time of the city manager's appointment, and for a period of ~~ninety (90)~~ one hundred eighty (180) days thereafter, the city manager need not be a resident of the city, but during the city manager's tenure of office the city manager shall reside within the city. The city commission may ~~extend~~ waive the residency requirement for good cause shown.

* * *

ARTICLE V. – ELECTIONS.

* * *

Sec. 46. - Absentee voting.

The provisions of the general laws of the State of Florida governing absentee voters and vote-by-mail ballots shall be applicable to general, recall and special elections held within the city.

* * *

Sec. 48. - Canvassing board.

- (1) A city canvassing board shall be established for the purposes of canvassing ballots and election results. The canvassing board shall be composed of the city clerk and two (2) citizens who shall be selected by majority vote of the city commission. A third and fourth citizen shall also be selected by majority vote of the city commission to serve as a first and second alternate canvassing board member. The canvassing board members shall be appointed ~~at least ninety (90) days before~~ by July 1st of each year and shall serve a one-year term commencing on July 1st and ending June 30th the following year, or until their successors are appointed.
- (2) The canvassing board shall meet on the night of the election at the close of the polls or as soon thereafter as practicable to publicly canvass the vote as shown by the returns then on file

in the office of the city clerk, adjourn as needed, and meet again in the subsequent days as provided by ordinance to count absentee ballots and provisional ballots.

- (3) Election returns shall be canvassed in the manner as provided by general law, ordinance and this charter. The city clerk shall, after the canvass of said election, furnish a certificate of election to be recorded in the minutes of the first city commission meeting thereafter.
- (4) If required by statute, or authorized by a majority vote of the City Commission, the duties of the canvassing board with regard to a particular election may be delegated to the County Canvassing Board or such other governmental canvassing entity as established pursuant to interlocal agreement. If the duties of the canvassing board are delegated in accordance with this section, the entity to which such duties are delegated shall not be bound to those canvassing procedures provided by city ordinance and charter and shall otherwise canvass the election subject to those laws, rules, procedures, and guidelines to which such entity is ordinarily bound. The city clerk shall obtain a certification of the results of the election from the canvassing entity to which canvassing duties have been delegated and shall submit such certification to the City Commission to be recorded in the minutes of the next City Commission meeting.

* * *

Sec. 57. - Petitions.

- (1) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten (10) percent of the total number of voters registered to vote in the city in the calendar month prior to the month in which the petition is filed.
- (2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (4) *Time for filing citizen referendum petitions .* Citizen referendum petitions must be filed within ~~thirty (30)~~ forty-five (45) days after adoption by the commission of the ordinance sought to be reconsidered.

Sec. 58. - Procedure for filing.

- (1) *Certificate of clerk; amendment .* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the

particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in Section 57. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk or other official designated by the city commission within two (2) business days after receiving the copy of the certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs 1 and 2 of Section 57 and within five (5) business days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient, and the petitioner's committee does not elect to amend or request commission review under paragraph (2) of this section within the time required, the clerk shall promptly present his or her certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

- (2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) business days after receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.
- (3) *Court review; New petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.