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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 – September 23, 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 26, 2019**
3. **PUBLIC COMMENT** (*Limited to 3 minutes per speaker*)
4. **FINAL REVIEW**
 - A. Review and Approval of Draft Revised Charter
5. **GENERAL DISCUSSION**
 - A. Workshop with City Commission
 - B. Citizen Education Efforts
 - C. Charter Review Committee Next Meeting
6. **ADJOURNMENT - 7:30 PM**

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 26, 2019

A **REGULAR MEETING** of the City of Winter Garden Charter Review Committee (CRC) was called to order by CRC Chairperson Derek Blakeslee at 5:31 p.m. at 300 West Plant Street, Winter Garden, Florida.

ATTENDANCE/ROLL CALL:

BOARD MEMBERS – PRESENT

Derek Blakeslee - Chairperson
Steve Ambielli Andrea Davis
Larry Cappleman Christopher Lee
Phil Cross Ed McKinney
Ron Mueller

OTHER ATTENDEES

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

ABSENT: Doug Bartow 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 August 12, 2019 as submitted. Seconded by CRC Member Cappleman and carried unanimously 7-0.

(CRC Member Steve Ambielli arrived at this point in the meeting)

3. Public Comments - There were none.

4. Article VII – CHARTER REVIEW AND AMENDMENT

CRC Chairperson Blakeslee briefed the CRC on the order of review for this session. He noted that Facilitator Smith's draft would also be reviewed.

Sec. 61 – Charter review; amendment – There were no noted changes.

5. Article VIII – FISCAL MANAGEMENT

Sec. 62 – Fiscal year – There were no noted changes.

Sec. 63 – Submission of budget; budget message – There were no noted changes.

Sec. 64 – Budget – There were no noted changes.

Sec. 65 – **Amendments after adoption**

Section 65(2) - CRC Member Cappleman questioned the legality and clarity of the language relating to the emergency appropriations requirement and the specification of a date in which to pay back emergency notes. Facilitator Smith explained the provision and noted that it would be used in very limited circumstances. CRC Chairperson Blakeslee also expounded on how and when this provision would be used. There was discussion on the clarification of language to provide a definitive date in relation to the emergency notes repayment.

Section 65(4) – CRC Member Ambielli inquired about the use of the phrase “*in a timely manner*” and what this would be. There was discussion on what is reasonable after the transfer was made. It was noted that “*not to exceed 30 days for all transfers*” could be used.

Sec. 66 – Capital program – There were no noted changes.

Sec. 67 – Issuance of bonds – There were no noted changes.

Sec. 68 – Independent audit – There were no noted changes.

Sec. 69 – Reserved – There were no noted changes.

6. **Article IX – MISCELLANEOUS PROVISIONS**

Sec. 70 – Severability clause – There were no noted changes.

7. **BEGIN FINAL REVIEW**

The CRC Members reviewed the previously discussed changes submitted by Facilitator Smith and the following items were addressed for final review:

ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS

Sec. 1 Reaffirming the existing boundaries of the municipality – There were no noted changes.

Sec. 2 Form of government – There were no noted changes.

Sec. 3 Powers of the city; general – There were no noted changes.

Sec. 4 Present ordinances continued in force – There were no noted changes.

Sec. 5 Sale of alcoholic beverages - **REMOVE SECTION 5**

The CRC had extensive discussion on this item and addressed topics such as exceptions for restaurants, use of ordinances instead of having it in the charter, education on the matter for the voters. Also discussed were the effects and challenges of leaving this section in the charter, potential issues with rezoning requiring a referendum, concerns about current requirements and locations in order to serve alcohol.

Motion by CRC Member Mueller to REMOVE SECTION 5 – Sale of alcoholic beverage as submitted (See attached - Exhibit A). Seconded by CRC Member Cappleman and carried unanimously 8-0.

CRC Chairperson Blakeslee noted that the language used to educate the voter on this item would be covered under the ordinances. If there was an ordinance that was unfavorable the charter still allows the voters to go by referendum to correct or change.

Secs. 6–10 Reserved – There were no noted changes.

ARTICLE II. THE CITY COMMISSION

Sec. 11 Number, selection, term, compensation – CHANGE SECTION 11(1)

There was discussion on the length of the term, term limits and the tying together of the two. Also noted was the election cycles. There was discussion on term limits remaining the same. CRC Member Cross noted that the voters determine term limits by their vote. Another challenge noted with term limits is what happens should no one want to run or qualify.

Motion by CRC Member Davis to CHANGE SECTION 11(1) term of office from three (3) years to four (4) years as submitted (See attached - Exhibit A). Seconded by CRC Member Cross. Cost savings to the City was also discussed in going to four (4) year terms. Discussion on an effective date should this item be approved by the voters was noted. Facilitator Smith stated that a schedule would be devised to link with this for a transitional period. **Motion carried unanimously 8-0.**

Section 11(2) was noted to be unchanged.

Changes as noted in Facilitator Smith’s handout were discussed for Section 11(5). There was discussion how City policy is drafted. There was discussion that language stating “*in accordance with City Policy as adopted by the City Commission*” could be added. The CRC discussed the City’s policy and procedure for certain expenses. There was discussion on policies that are followed by the City as noted in the Statutes and Florida Administrative Code which may not be specifically stated in the City’s code or charter. It was the **consensus** of the CRC to leave the language as it is currently written.

Sec. 12 Qualifications – There were no noted changes.

Sec. 13 Powers of city commission – There were no noted changes.

Sec. 14 Prohibitions – There were no noted changes.

Sec. 15 Forfeiture of office – There were no noted changes.

Facilitator Smith noted that the City Attorney’s office reviewed this item and feels that the term moral turpitude is broad enough to encompass the types of practices the City would be looking for in forfeiture issues.

Sec. 16 Judge of forfeiture - CHANGE SECTION 16

The CRC reviewed the suggested language and strikethroughs as submitted by Facilitator Smith on this item. Facilitator Smith noted that this language was derived from having had an

experience of representing a forfeiture case. He felt that this language would necessary as a guide through the process for a fair hearing.

Motion by CRC Member Cappleman to CHANGE SECTION 16 as submitted (See attached – Exhibit A). Seconded by CRC Member Lee and carried unanimously 8-0.

Sec. 17 Vacancies of commission - CHANGES SECTION 17(2)(a) and (b)

CRC Member Cappleman questioned if 12 months was enough time to have an election. Facilitator Smith noted that 12 months would be enough to go through a cycle in filling an unexpired term. There was discussion on voter registration, candidate campaigning timeframes, notice requirements to the Orange County Supervisor of Elections, and overseas ballot mailing. There was discussion on possibly changing Section 17(a) from 12 months to 18 months. Also discussed was Section 17(b) the timeframe for an appointment of someone to fill an unexpired seat, and who holds the authority to fill the unexpired seat or make a nomination. There was discussion on whether the qualifying timeframe needed to be noted. Facilitator Smith recommended not having this in the charter as it will be established when the special election is scheduled. There was discussion on qualification for an appointment versus qualification for an election. In summary, if the vacancy is 18 months or less, there will be an appointment within a 30-day qualification period, and appoint within 15 days. If there is not an appointment within the 45 days and there is no agreement on an appointment, then lots are drawn. If there is more than 18 months, there is an election; with the election date established by the City Commission.

Motion by CRC Member Mueller to approve CHANGES TO SECTION 17(2)(a) and (b) as submitted (See attached - Exhibit A) with change from 12 months to 18 months as noted in subsections (a) and (b), and 90 days as amended to Section 17(2)(b). Seconded by CRC Member Cross and carried unanimously 8-0.

Sec. 18 Induction of commissioners into office, meetings – There were no noted changes. There was discussion that 12 hours’ notice to a City Commissioner for a special meeting was not uncommon. It was the **consensus** of the CRC to leave this item as is.

Sec. 19 Legislative procedure – There were no noted changes.

Sec. 20 Adoption of ordinances; procedure; effective date - CHANGE SECTION 20(2)

CRC Member Blakeslee noted changes as previously discussed in Section 20(2) and there was discussion on changes as submitted for two (2) separate days and be advertised in accordance with applicable state law.

Motion by CRC Member Mueller to approve CHANGES TO SECTION 20(2) as submitted (See attached – Exhibit A). Seconded by CRC Member McKinney and carried unanimously 8-0.

Sec. 21 Emergency measures - **CHANGE SECTION 21**

Facilitator Smith noted that the two-thirds (2/3) vote was noted by State law as determined by the City Attorney's research. Facilitator Smith explained that this is 2/3 of the total members and not 2/3 of the quorum; it was discussed that it be left as written. Also discussed, was the term of telephonically be changed to read as video/audio or telephone conference. The CRC gave Facilitator Smith direction to change the wording as necessary on this item.

Motion by CRC Member Mueller to approve CHANGES TO SECTION 21 as amended (See attached – Exhibit A) with change from telephonically to audio/video or telephone conference. Seconded by CRC Member Cross and carried unanimously 8-0.

Sec. 22 Revision of ordinances - **REMOVE SECTION 22**

There was discussion on the power to revise coming from home rule. Facilitator Smith noted that this item is not needed to give permission to the City Commission as they already have that authority. There was discussion on the cleanup of the charter as much as possible and thorough review of all items.

Motion by CRC Member Cappleman to REMOVE SECTION 22. Seconded by CRC Member Ambielli and carried unanimously 8-0.

Sec. 23 Repeal of ordinances - **CHANGE SECTION 23**

There was discussion on the submitted changes.

Motion by CRC Member Mueller to approve CHANGES TO SECTION 23 as submitted (See attached – Exhibit A). Seconded by CRC Member Lee and carried unanimously 8-0.

Sec. 24 Investigations – There were no noted changes.

Sec. 25 Commission districts; adjustment of districts - **CHANGE SECTION 25(3)(b)**

Motion by CRC Member Mueller to approve CHANGES TO SECTION 25(3)(b) as submitted (See attached – Exhibit A) removing “Commencing on April 30, 2008”. Seconded by CRC Member Lee and carried unanimously 8-0.

ARTICLE III. CITY MANAGER

Sec. 26 Appointment of city manager; written contract – There were no noted changes.

Sec. 27 Removal of City Manager - **CHANGE SECTION 27**

Motion by CRC Member Cappleman to approve CHANGES TO SECTION 27 as submitted (See attached – Exhibit A). Seconded by CRC Member Cross and carried unanimously 8-0.

Sec. 28 Qualifications - **CHANGE SECTION 28**

CRC Member Mueller noted that he is still not in favor of the City Manager being required to live in the city. There was discussion on this is the requirement and it can be waived by the City Commission. CRC Member Blakeslee noted that he would like to see the word extend left in and change the language to read extend or waive; he gave a brief explanation and scenario. There was discussion on whether it should be included or excluded. Facilitator Smith suggested leaving the language; explaining a strike may result in loss of the vote from the electorate. CRC Member Blakeslee clarified that the language of 90 days is being changed to 180 days and the word extend would be changed to read extend or waive.

Motion by CRC Member Cross to approve CHANGES TO SECTION 28 as submitted (See attached – Exhibit A) and include amended language to read extend or waive. Seconded by CRC Member Mueller and carried unanimously 8-0.

Sec. 29 Absence, disability or suspension – There were no noted changes.

Sec. 30 Powers and duties – There were no noted changes.

Sec. 31 Reserved – There were no noted changes.

ARTICLE IV. CITY DEPARTMENTS AND OFFICERS

Sec. 32 Departmental organization – There were no noted changes.

Sec. 33 City Clerk – There were no noted changes.

Sec. 34 City Attorney – There were no noted changes.

Sec. 35 Police department; chief of police – There were no noted changes.

Sec. 36–37 Reserved – There were no noted changes.

ARTICLE V. ELECTIONS

Sec. 38 Referendum – There were no noted changes.

Sec. 39 Conduct generally – There were no noted changes.

Sec. 40 Party insignia on ballots; form to be as in state, county elections - No noted changes.

Sec. 41 Qualification of candidates in districts; time; procedure; runoff election - No changes.

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.

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

Sec. 46 Absentee voting - **CHANGE SECTION 46**

Motion by CRC Member Mueller to approve CHANGES TO SECTION 46 as submitted (See attached – Exhibit A). Seconded by CRC Member McKinney and carried unanimously 8-0.

Sec. 47 Polling places – There were no noted changes.

Sec. 48 Canvassing board - **CHANGE SECTION 48**

It was noted that the 90 days' requirement would be removed and by July 1st would remain.

Motion by CRC Member McKinney to approve CHANGES TO SECTION 48 as submitted (See attached – Exhibit A). Seconded by CRC Member Mueller and carried unanimously 8-0.

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

ARTICLE VI. INITIATIVE AND CITIZEN REFERENDUM

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

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

Sec. 57 Petitions - **CHANGES SECTION 57(4)**

It was noted that the 30 days' requirement would change to 45 days.

Motion by CRC Member Mueller to approve CHANGES TO SECTION 57(4) as submitted (See attached – Exhibit A). Seconded by CRC Member Cross and carried unanimously 8-0.

Sec. 58 Procedure for filing - **CHANGES TO SECTION 58(1) and (2)**

It was noted that the term business days would replace days and the addition of language “of Section 57”. It was stated that on the ballot these would be noted as a clarification of language.

Motion by CRC Member Mueller to approve CHANGES TO SECTION 58(1) and (2) as submitted (See attached – Exhibit A). Seconded by CRC Member Cross and carried unanimously 8-0.

Sec. 59 Action on petitions – There were no noted changes.

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

ARTICLE VII. CHARTER REVIEW AND AMENDMENT

Sec. 61 Charter review; amendment – There were no noted changes.

ARTICLE VIII. FISCAL MANAGEMENT

Sec. 62 Fiscal year – There were no noted changes.

Sec. 63 Submission of budget; budget message – There were no noted changes.

Sec. 64 Budget – There were no noted changes.

Sec. 65 Amendments after adoption - **CHANGES TO SECTION 65(4)**

There was discussion that Section 65(4) be changed to read “not to exceed 30 days for all transfers”.

Motion by CRC Member Cross to approve CHANGES TO SECTION 65(4) to read “not to exceed 30 days for all transfers”. Seconded by CRC Member Davis and carried unanimously 8-0.

- Sec. 66 Capital program – There were no noted changes.
- Sec. 67 Issuance of bonds – There were no noted changes.
- Sec. 68 Independent audit – There were no noted changes.
- Sec. 69 Reserved – There were no noted changes.

ARTICLE IX. MISCELLANEOUS PROVISIONS

- Sec. 70 Severability clause – There were no noted changes.

8. GENERAL DISCUSSION

There was discussion that the September 9th meeting would not be required.

Motion by CRC Member Mueller to CANCEL SEPTEMBER 9, 2019 meeting and schedule next regular meeting for September 23, 2019. Seconded by CRC Member Cross and carried unanimously 8-0.

CRC Member Cappleman requested a synopsis be made available of the final changes for the September 23, 2019 meeting. CRC Member Blakeslee agreed, noting he would like Facilitator Smith and City Attorney Dan Langley bring back to the CRC the changed wording as believed needed to move forward to the City Commission. Also suggested was the inclusion of language as to the reason for the changes. Facilitator Smith confirmed what would be brought to the CRC noting the differences for ballot language versus change explanations for the City Commission. Facilitator Smith indicated that ballot questions and the summary would be a part of the ordinance. There was discussion that certain items such as the alcohol issue be drafted as a ballot question so the CRC could see it; Facilitator Smith noted he would draft a non-substantive change question also for review. CRC Chairperson Blakeslee noted that anything the Facilitator could draft in helping them along would be welcomed.

9. Adjournment

The meeting adjourned at 6:58 p.m.

Approved

Derek Blakeslee, CRC Chairperson

Attest

Angee Grimmage, City Clerk

44 The text of the amendments reflects the proposed changes by showing additions with underlining and
45 deletions with ~~strike-through~~ type. Such election shall be held in conformity with the laws of the
46 State of Florida and the ordinances of the City of Winter Garden now in force relating to elections in
47 the City of Winter Garden. The Supervisor of Elections of Orange County is hereby requested to
48 coordinate all matters regarding said referendum election with the City Clerk. The proposed charter
49 amendments shall be submitted to the voters at the March 2019 election.

50
51 Section 2. The ballot titles, questions and proposed charter changes are as follows:

52
53 **City Charter Amendment 1:**

54
55 *Shall Article I, Section 5 of the Charter which includes locational standards for establishments*
56 *selling intoxicating liquors and which requires all regulations affecting the location of such*
57 *establishments be approved by referendum be deleted from the Charter?*

58
59 YES FOR APPROVAL

60
61 NO FOR REJECTION

62
63 ~~Sec. 5. Sale of alcoholic beverages.~~ [Reserved].

64
65 ~~All regulations affecting the location of any establishment selling intoxicating liquor, wine, or beer~~
66 ~~for consumption on the premises shall be subject to a referendum of the voters; and except for~~
67 ~~restaurants that derive more than fifty one (51) percent of their annual revenue from the sales of food~~
68 ~~and nonalcoholic beverages served for consumption on the premises, any establishment selling~~
69 ~~intoxicating liquors, wine, or beer, for consumption on the premises, shall not be located less than~~
70 ~~one thousand two hundred (1,200) feet from a school or an established church within the corporate~~
71 ~~limits of the city.~~

72
73 **City Charter Amendment 2:**

74
75 *Shall Article II, Section 11 of the Charter be amended to provide for four year terms of the members*
76 *of the commission and mayor instead of the current three year terms?*

77
78 YES FOR APPROVAL

79
80 NO FOR REJECTION

81
82 Sec. 11. - Number, selection, term, compensation.

83 (1) There shall be a city commission consisting of a mayor-commissioner who shall represent the
84 entire city and be elected at large by the voters of the city, and four (4) commissioners each of
85 whom shall represent a single member district and be elected by the voters in the district they
86 represent. The mayor-commissioner and commissioners shall be qualified as hereinafter

87 prescribed, and their term of office shall begin on the first regular meeting of the city
88 commission after their election. The term of office of the mayor-commissioner and the
89 commissioners elected in 2023 and subsequent elections shall be ~~three (3)~~ four (4) years.

90 (2) The present members of the city commission shall hold their seats for the term of office for
91 which they were respectively elected, or until their successors have been elected and take office.

92 (3) The mayor-commissioner shall preside as chairperson of meetings of the commission, represent
93 the city in intergovernmental relationships, present an annual state of the city message, and
94 perform other duties as specified by the commission. The mayor-commissioner shall be
95 recognized as head of the city government for all ceremonial purposes and by the governor for
96 purposes of military law but shall have no administrative duties. The mayor-commissioner as a
97 city commission member shall have a voice and a vote in the proceedings of the commission;
98 but no veto power.

99 (4) At the first regular commission meeting after an election, including any runoffs and swearing in
100 of commissioner(s), the commission shall elect from among its members a mayor pro-tem, who
101 shall serve until a successor is elected. The mayor pro-tem shall act as mayor during the absence
102 or disability of the mayor.

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

109
110 **City Charter Amendment 3:**

111
112 *Shall Article II, Section 16 and Article III, Section 27 of the Charter be amended to specify and*
113 *provide more detailed provisions related to the hearing process for forfeiture of office against an*
114 *elected official and removal of a city manager which provisions are intended to protect the due*
115 *process rights of the official who is the subject of such hearings?*

116
117 YES FOR APPROVAL

118
119 NO FOR REJECTION

120
121 **Sec. 16. - Judge of forfeiture.**

122 The city commission shall be the judge of the grounds for forfeiture of office for its members. In
123 order to exercise these powers, the commission shall have the power to subpoena witnesses,
124 administer oaths, and require the production of evidence. ~~A commission member charged by two (2)~~
125 ~~or more commissioners with conduct constituting grounds for forfeiture of office shall, upon request~~
126 ~~within five (5) business days of written notification of the charge, be entitled to a public hearing.~~
127 Upon a majority vote of the members of the city commission eligible to vote on such matter, a

128 hearing to consider forfeiture shall be scheduled no sooner than fourteen (14) days from the date said
129 vote is taken. Written notice of the hearing to consider forfeiture shall be mailed to any
130 commissioner who is the subject of such forfeiture hearing at least ten days prior to the date of the
131 forfeiture hearing. Notice of such public hearing shall also be published in a newspaper of general
132 circulation in the city at least one (1) week in advance of the hearing. At the forfeiture hearing, the
133 city commission shall receive sworn testimony and evidence. Formal rules of evidence shall not
134 apply but fundamental due process shall be observed and shall govern the proceedings. No city
135 commissioner's office shall be deemed forfeited unless At least three (3) members of the
136 commission must vote in favor of a motion to declare the office forfeited. approve the forfeiture of
137 office of any commission member.

138

139 * * *

140 Sec. 27. - Removal of city manager.

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

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

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

156

157 **City Charter Amendment 4:**

158

159 *Shall Article II, Section 17 of the Charter be amended to extend from six to eighteen months the*
160 *length of unexpired term caused by a mid-term vacancy that may be filled by the commission rather*
161 *than election; extend from thirty to forty-five the number of days after the vacancy the commission*
162 *must make such appointment; and extend from sixty to ninety days after the vacancy the time for*
163 *conducting an election, when required.*

164

165 YES FOR APPROVAL

166

167 NO FOR REJECTION

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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~~eighteen (~~6~~18) 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~~ eighteen (~~6~~18) 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~~) ninety (90) days following the occurrence of the vacancy.

City Charter Amendment 5:

Shall Article II, Section 20 of the Charter be amended to state that City shall follow State law regarding advertising of proposed ordinances and shall Article V Section 46 of the Charter be amended to conform to the existing State law terminology of "vote-by-mail ballots" regarding elections?

YES FOR APPROVAL

NO FOR REJECTION

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

209 which moneys are to be appropriated. The enacting clause of all ordinances shall be, "Be it
210 Enacted by the City of Winter Garden."

211 (2) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall
212 ~~be advertised in accordance with applicable state law, at least ten (10) days prior to adoption, be~~
213 ~~noticed once in a newspaper of general circulation in the City of Winter Garden and the notice~~
214 ~~shall state the date, time and place of the meetings, the title or titles of proposed ordinances, and~~
215 ~~the place or places within the municipality where such proposed ordinances may be inspected by~~
216 ~~the public and comply with applicable statutory notice requirements. Said notice shall also~~
217 ~~advise that interested parties may appear at the meeting and be heard with respect to the~~
218 ~~proposed ordinance.~~

219 (3) After such hearing, the commission may finally pass such ordinance with or without
220 amendment. The second passage of any ordinance shall be final and no further passage shall be
221 required. All adopted ordinances shall become effective ten (10) days after adoption unless
222 otherwise specified therein.

223 (4) If a proposed ordinance is defeated either on the first or second reading, the same cannot be
224 again reconsidered for a period of ninety (90) days.

225 * * *

226 Sec. 46. - Absentee voting.

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

229 **City Charter Amendment 6:**

230
231 *Shall Article II, Section 21 of the Charter be amended to provide that a commissioner may vote on*
232 *emergency measures by telephonic or other audio/visual methods provided that such commissioner*
233 *can hear and be heard by all in attendance at the meeting?*

234
235 YES FOR APPROVAL

236
237 NO FOR REJECTION

238
239 Sec. 21. - Emergency measures.

240 The city commission by affirmative two-thirds (2/3) vote of the total members of the city
241 commission may enact ordinances dealing with emergencies at the meeting at which they are
242 introduced. A member of the city commission shall be allowed to vote by telephone or other
243 audio/visual means on any emergency measure provided that such commissioner can hear all
244 speakers and can be heard by the city commission and the public during deliberations on the
245 measure. Any new and unexpected condition or occurrence of a nonrecurring nature that constitutes
246 an immediate and serious menace to the public welfare of the city, shall be deemed an emergency.
247 When no expenditure of city funds is entailed, emergency ordinances may be temporarily effective

248 for a period of not more than fifteen (15) days from the date of their passage; but such ordinances
249 shall be subject to all other provisions of this charter governing the enactment of ordinances, and if
250 not finally adopted in the manner herein provided shall expire at the end of the time for which they
251 are temporarily effective. An emergency ordinance authorizing the expending of funds by the city for
252 other than a regular or recurring requirement, may be effective upon any date fixed in the ordinance
253 by the city commission. Every emergency ordinance shall set forth specifically the conditions or
254 occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper
255 thereafter published and of general circulation in the City of Winter Garden, in addition to the other
256 publications required herein, and shall be captioned as an emergency ordinance.

257 **City Charter Amendment 7:**

258
259 *Shall Article II, Section 22 and Section 23 of the Charter be amended to delete unnecessary*
260 *language and simplify existing language regarding revision and repeal of ordinances?*

261
262 YES FOR APPROVAL

263
264 NO FOR REJECTION

265
266 ~~Sec. 22. - Revision of ordinances.~~

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

270
271 Sec. 23. - Repeal of ordinances.

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

274 **City Charter Amendment 8:**

275
276 *Shall Article III, Section 28 of the Charter be amended to extend the time allowed for a city manager*
277 *to establish residency within the City and allow the commission to waive the city manager residency*
278 *requirement for good cause shown?*

279
280 YES FOR APPROVAL

281
282 NO FOR REJECTION

283
284 Sec. 28. - Qualifications.

285 The city manager shall be chosen by the city commission solely on the basis of executive and
286 administrative qualifications, with special reference to actual experience in, or knowledge of,

287 accepted practice in respect to the duties of the office as hereinafter set forth. At the time of the city
288 manager's appointment, and for a period of ~~ninety (90)~~ one hundred eighty (180) days thereafter, the
289 city manager need not be a resident of the city, but during the city manager's tenure of office the city
290 manager shall reside within the city. The city commission may extend or waive the residency
291 requirement for good cause shown.

292

293 **City Charter Amendment 9:**

294

295 *Shall Article V, Section 48 be amended to require that the election canvassing board be established*
296 *by July 1 of each year instead of ninety days prior to July 1; Article V, Section 57 be amended to*
297 *extend the time for filing citizen referendum petitions; and Article V, Section 58 be amended to*
298 *clarify that time limits of five or fewer days in the citizen initiative or referendum process shall mean*
299 *business days?*

300

301 YES FOR APPROVAL

302

303 NO FOR REJECTION

304

305 Sec. 48. - Canvassing board.

306 (1) A city canvassing board shall be established for the purposes of canvassing ballots and election
307 results. The canvassing board shall be composed of the city clerk and two (2) citizens who shall
308 be selected by majority vote of the city commission. A third and fourth citizen shall also be
309 selected by majority vote of the city commission to serve as a first and second alternate
310 canvassing board member. The canvassing board members shall be appointed ~~at least ninety~~
311 ~~(90) days before~~ by July 1st of each year and shall serve a one-year term commencing on July
312 1st and ending June 30th the following year, or until their successors are appointed.

313 (2) The canvassing board shall meet on the night of the election at the close of the polls or as soon
314 thereafter as practicable to publicly canvass the vote as shown by the returns then on file in the
315 office of the city clerk, adjourn as needed, and meet again in the subsequent days as provided by
316 ordinance to count absentee ballots and provisional ballots.

317 (3) Election returns shall be canvassed in the manner as provided by general law, ordinance and
318 this charter. The city clerk shall, after the canvass of said election, furnish a certificate of
319 election to be recorded in the minutes of the first city commission meeting thereafter.

320 (4) If required by statute, or authorized by a majority vote of the City Commission, the duties of
321 the canvassing board with regard to a particular election may be delegated to the County
322 Canvassing Board or such other governmental canvassing entity as established pursuant to
323 interlocal agreement. If the duties of the canvassing board are delegated in accordance with this
324 section, the entity to which such duties are delegated shall not be bound to those canvassing
325 procedures provided by city ordinance and charter and shall otherwise canvass the election
326 subject to those laws, rules, procedures, and guidelines to which such entity is ordinarily bound.
327 The city clerk shall obtain a certification of the results of the election from the canvassing entity

328 to which canvassing duties have been delegated and shall submit such certification to the City
329 Commission to be recorded in the minutes of the next City Commission meeting.

330 * * *

331 Sec. 57. - Petitions.

332 (1) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered
333 voters of the city equal in number to at least ten (10) percent of the total number of voters
334 registered to vote in the city in the calendar month prior to the month in which the petition is
335 filed.

336 (2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be
337 assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible
338 pencil and shall be followed by the address of the person signing. Petitions shall contain or have
339 attached thereto throughout their circulation the full text of the ordinance proposed or sought to
340 be reconsidered.

341 (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit
342 executed by the circulator thereof stating that he or she personally circulated the paper, the
343 number of signatures thereon, that all signatures were affixed in his or her presence, that he or
344 she believes them to be the genuine signatures of the persons whose names they purport to be
345 and that each signer had an opportunity before signing to read the full text of the ordinance
346 proposed or sought to be reconsidered.

347 (4) *Time for filing citizen referendum petitions .* Citizen referendum petitions must be filed within
348 ~~thirty (30)~~ forty-five (45) days after adoption by the commission of the ordinance sought to be
349 reconsidered.

350 * * *

351 Sec. 58. - Procedure for filing.

352 (1) *Certificate of clerk; amendment .* Within twenty (20) days after the petition is filed, the city
353 clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the
354 particulars wherein it is defective and shall promptly send a copy of the certificate to the
355 petitioners' committee by registered mail. Grounds for insufficiency are only those specified in
356 Section 57. A petition certified insufficient for lack of the required number of valid signatures
357 may be amended once if the petitioners' committee files a notice of intention to amend it with
358 the clerk or other official designated by the city commission within two (2) business days after
359 receiving the copy of the certificate and files a supplementary petition with additional papers
360 within ten (10) days after receiving the copy of such certificate. Such supplementary petition
361 shall comply with the requirements of paragraphs 1 and 2 of Section 57 and within five (5)
362 business days after it is filed, the clerk shall complete a certificate as to the sufficiency of the
363 petition as amended and promptly send a copy of such certificate to the petitioners' committee
364 by registered mail in the case of an original petition. If a petition or amended petition is certified
365 sufficient, or if a petition or amended petition is certified insufficient, and the petitioner's
366 committee does not elect to amend or request commission review under paragraph (2) of this
367 section within the time required, the clerk shall promptly present his or her certificate to the

368 commission and the certificate shall then be a final determination as to the sufficiency of the
369 petition.

370 (2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee
371 does not file notice of intention to amend it or if an amended petition has been certified
372 insufficient, the committee may, within two (2) business days after receiving the copy of such
373 certificate, file a request that it be reviewed by the city commission. The city commission shall
374 review the certificate at its next meeting following the filing of such request and approve or
375 disapprove it, and the commission's determination shall then be a final determination as to the
376 sufficiency of the petition.

377 (3) *Court review; New petition.* A final determination as to the sufficiency of a petition shall be
378 subject to court review. A final determination of insufficiency, even if sustained upon court
379 review, shall not prejudice the filing of a new petition for the same purpose.

380 **City Charter Amendment 10:**

381
382 *Shall Article VIII, Section 65 of the Charter be amended to specify that the city manager shall report*
383 *any appropriation transfers to the commission within thirty days?*

384
385 YES FOR APPROVAL

386
387 NO FOR REJECTION

388
389 Sec. 65. - Amendments after adoption.

390
391 (1) *Supplemental appropriations.* If during the fiscal year the city manager certifies that there are
392 available revenues for appropriation in excess of those estimated in the budget, the city
393 commission by ordinance may make supplemental appropriations for the year up to the amount
394 of such excess.

395 (2) *Emergency appropriations.* To address a public emergency affecting life, health, property or the
396 public peace, appropriations may be made by an emergency ordinance. To the extent that there
397 are no available unappropriated revenues or fund balances to meet such appropriations, the city
398 commission may by such emergency ordinance authorize the issuance of emergency notes,
399 which may be renewed from time to time; but the emergency notes and renewals of any fiscal
400 year shall be paid no later than the last day of the fiscal year next succeeding that in which the
401 emergency appropriation was made.

402 (3) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city
403 manager that the revenues or fund balances available will be insufficient to finance the
404 expenditures for which appropriations have been authorized, the city manager shall report to the
405 city commission, without delay, the estimated amount of the deficit, any remedial action taken
406 by the city manager and the city manager's recommendations as to any other steps to be taken.
407 The city commission shall then take such further action as it deems necessary to prevent or

408 reduce any deficit and for that purpose it may by ordinance reduce one (1) or more
409 appropriations.

410 (4) *Transfer of appropriations.* At any time during the fiscal year, the city commission may by
411 resolution transfer part or all of any unencumbered appropriation balance from one department,
412 fund, service, strategy or organizational unit to the appropriation for other departments or
413 organizational unit or a new appropriation. The city manager may transfer funds among
414 programs within a department, fund, service, strategy or organizational unit and shall report
415 transfers to the city commission in writing ~~in a timely manner~~ within thirty (30) days.

416 (5) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred,
417 except to the extent that the debt is refinanced and less debt service is required, and no
418 appropriation may be reduced below any amount required by law to be appropriated or by more
419 than the amount of the unencumbered balance thereof. The supplemental and emergency
420 appropriations and reduction or transfer of appropriations authorized by this section may be
421 made effective immediately upon adoption.

422
423 Section 3. The City Clerk is hereby directed to ensure that all advertising, translation and
424 notice requirements are complied with and to coordinate all activities necessary to conduct the
425 referendum election called for in Section 1 of this Ordinance with the Supervisor of Elections for
426 Orange County.

427
428 Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance
429 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion
430 shall be deemed a separate, distinct and independent provision and such holding shall not affect the
431 validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of
432 one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be
433 deemed to affect the validity of any amendments that may be approved by a majority of the electors.

434
435 Section 5. All ordinances and Charter provisions, or parts of ordinances and Charter
436 provisions in conflict herewith are hereby repealed.

437
438 Section 6. This Ordinance shall take effect immediately upon its final passage and
439 adoption. The revised Charter provisions proposed for approval in this Ordinance shall become
440 effective upon their approval at a referendum election of the electors of the City of Winter Garden in
441 accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected
442 amendment shall not take effect.

443
444 PASSED ON FIRST READING THIS _____ DAY OF _____, 2019.
445 PASSED AND ADOPTED THIS _____ DAY OF _____, 2019.

446
447 CITY OF WINTER GARDEN, FLORIDA
448 CITY COMMISSION
449

450
451
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453
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457
458

ATTEST:

John Rees, Mayor

Angela Grimmage, City Clerk