



**CITY OF OKEECHOBEE**  
**CITIZEN CHARTER REVIEW**  
**ADVISORY COMMITTEE**  
**55 SE THIRD AVENUE**  
**OKEECHOBEE, FL 34974**  
**MARCH 25, 2021**  
**6:30 P.M.**  
**OFFICIAL AGENDA**

***Committee Members***  
Gary Ritter, Chair  
Myranda Whirls, Vice Chair  
Suzanne Bowen  
Noel Chandler  
Jamie Gamiotea  
Jeremy LaRue  
Sandy Perry  
Cary Pigman  
Hoot Worley  
***Ex Officio Members***  
Marcos Montes De Oca  
Wes Abney

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- I. **CALL TO ORDER**
  - II. **ATTENDANCE**
  - III. **AGENDA AND PUBLIC COMMENTS**
    - A. Motion to adopt agenda.
    - B. Public participation for items not on the agenda requires a comment form.
  - IV. **MINUTES**
    - A. Approve the March 4, 2021 minutes.
  - V. **NEW BUSINESS**
    - A. Discuss format, date, and time of next meeting.
    - B. Continue review of Article 2 of Model City Charter (**Exhibit 1**).
    - C. Review Article 3 of Model City Charter (**Exhibit 2**).
    - D. Consider agenda items for next meeting.
  - VI. **ADJOURN MEETING**

**PLEASE TAKE NOTICE AND BE ADVISED** that if any person desires to appeal any decision made by the CCRAC with respect to any matter considered at this meeting will need to ensure a verbatim record of the proceeding is made and the record includes the testimony and evidence upon which the appeal will be based. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodations to participate in this proceeding should contact the City Clerk's Office in person or call 863-763-9814, Hearing Impaired: Florida Relay 7-1-1 no later than four business days prior to proceeding.



**CITY OF OKEECHOBEE  
CITIZENS CHARTER REVIEW ADVISORY COMMITTEE  
MARCH 4, 2021  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Chairperson Ritter called the regular meeting of the Citizens Charter Review Advisory Committee (CCRAC) for the City of Okeechobee to order on Thursday, March 4, 2021, at 6:30 P.M. in the City Council Chambers, located at 55 Southeast 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida. The invocation was given by Member Chandler, followed by the Pledge of Allegiance.

**II. ATTENDANCE**

The following CCRAC Members were present: Suzanne Bowen (entered Chambers at 6:52 P.M.), Noel Chandler, Jamie Gamiotea, Jeremy LaRue, Sandy Perry, Cary Pigman, Gary Ritter, Myranda Whirls and Hoot Worley. Ex officio Member Marcos Montes De Oca was present as well as City Attorney John Fumero, General Services Coordinator Patty Burnette and Executive Assistant Robin Brock. Ex officio Member Wes Abney was absent.

**III. AGENDA AND PUBLIC COMMENTS**

- A. Motion by Member Worley, seconded by Member Pigman to adopt the agenda as presented. **Motion Carried Unanimously.**
- B. There was one comment card submitted for public participation by Police Chief Robert Peterson for New Business Agenda Item D.

**IV. MINUTES**

- A. Motion by Member Pigman, seconded by Member Perry to dispense with the reading and approve the February 11, 2021, Regular Meeting minutes. **Motion Carried Unanimously.**

**V. NEW BUSINESS**

- A. Mayor Dowling R. Watford, Jr. gave a brief overview of the history of the founding of the City of Okeechobee and how government has operated from then to present.
- B. Members discussed in detail a copy of an organizational chart that was distributed to them showing the current structure and a possible example of an administrative form of government structure.
- C. Members continued their discussion of Article 2 of the Model City Charter prepared by Attorney Fumero. Consensus of the Committee was both the position of Mayor and Vice Mayor should be appointed by the City Council; under Section C-2.2 (a) remove (i); modify (ii) to reflect the City Administrator instead of the Mayor to deliver the budgetary address; move (b) to the Elections section of the Model City Charter and remove term limits from Section C-2.3. The remainder of Article 2 will be discussed at the next meeting scheduled for March 25, 2021.

**V. NEW BUSINESS ITEMS CONTINUED**

- D.** Due to the lateness of the hour, Article 3 of the Model City Charter will be discussed at the next meeting scheduled for March 25, 2021.
- E.** Next agenda items will be finish discussion on the remainder of Article 2 of the Model City Charter and then discuss Article 3.

**VI. ADJOURN MEETING**

Chairperson Ritter adjourned the meeting at 8:27 P.M.

Submitted by:

\_\_\_\_\_  
Patty M. Burnette

Approved on:\_\_\_\_\_

Please take notice and be advised that when a person decides to appeal any decision made by the Citizens Charter Review Advisory Committee with respect to any matter considered at this meeting, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.

## **JJF 02/05/2021 DRAFT- FOR DISCUSSION PURPOSES ONLY**

### **ARTICLE 2. - CITY COUNCIL; MAYOR**

#### **§ C-2.1. - City Council.**

There shall be a City Council vested with all legislative powers of the City including but not limited to the setting of policy, approval of budget, determination of tax rates, hiring and firing of the charter officers, and the development of community land use policies and regulations. The Council shall consist of four (4) members ("Council Members") in addition to the Mayor. References in this Charter to the City Council shall include the Mayor unless the context dictates otherwise.

#### **§ C-2.2. - Mayor and Vice Mayor.**

- (a) Powers of the Mayor. The Mayor shall preside at meetings of the City Council, be a voting member of the Council, and may create and appoint subcommittees of the Council. The Mayor shall be recognized as head of City Government for all ceremonial purposes and for purposes of law, for service of process, execution of duly authorized contracts, deeds and other documents, and as the City official designated to represent the City in all dealings with other governmental entities. In addition, the Mayor shall have the following specific responsibilities:
  - i) The Mayor shall recommend the nomination of a City Administrator in accordance with the terms of Section 3.1 herein below.
  - ii) The Mayor shall prepare and deliver annually between November 1 and January 31 a report on the state of the City and annually between July 1 and September 30 a budgetary address to the people of the City.
  - iii) The Mayor shall ensure City Council meetings are conducted in an orderly and efficient manner in accordance with Roberts Rules of Order, as may be amended from time to time, and other pertinent procedures and policies.
- (b) Vice-Mayor. During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties and responsibilities of the Mayor. At the first Council meeting after the 30<sup>th</sup> day following the day of the general or run-off election of the City Council, or in any calendar year in which there is no regular City election, at the first Council meeting in the month of November of such year, the Council shall elect one of its members as Vice-Mayor.

#### **§ C-2.3. - Election and Term of Office.**

- (a) Election and Term of Office. Each Council Member and the Mayor shall be elected at-large for four year terms by the electors of the City in the manner provided in Article 5 of this Charter.
- (b) TERM LIMITS ??? Limitations on Lengths of Service. No person shall serve as Mayor for more than six elected terms. No person shall serve as a Council Member for more than six elected terms. A "term" shall be deemed commenced upon election, whether or not it is actually

completed, except that a vacancy being filled for less than two years remaining in the filling of that term shall not be counted as a "term" under this section.

§ C-2.4. - Qualifications.

Candidates for City Council or Mayor shall qualify for election by the filing of a written notice of candidacy with the City Clerk at such time and in such manner as may be prescribed by ordinance and payment to the City Clerk of the sum of one hundred dollars (\$100.00) as a qualifying fee. Only electors of the City who have resided continuously in the City for at least one year preceding the date of such filing shall be eligible to hold the Office of Council Member, including Mayor. Candidates for Council or Mayor shall be required to submit proof of residency at the time of qualifying by producing a valid voter's registration card and any other document which establishes compliance with the residency requirements for the offices of Council or Mayor. The City Council may establish more specific residency requirements in an Ordinance,

§ C-2.5. - Vacancies; Forfeiture of Office; Filling of Vacancies.

- (a) Vacancies. The office of a City Council (including the Mayor) shall become vacant upon their death, resignation, disability which in this case shall mean incapacity to perform the duties of office, suspension or removal from office in any manner authorized by law, or by forfeiture of their office.
- (b) Forfeiture of Office.
  - i) Forfeiture by disqualification. A City Council Member shall forfeit their office if at any time during their term (1) they fail to maintain permanent residence in the City, or (2) otherwise ceases to be a qualified elector of the City Council.
  - ii) **Forfeiture by absence.** A City Council Member shall be subject to forfeiture of their office, in the discretion of the remaining Council Members, if s/he is absent with good cause from any (6) regular meetings of the City Council during any calendar year, or if s/he absent without good cause from any four (4), or three (3) as to the Mayor, consecutive regular meetings of the City Council during the same calendar year.
  - iii) Procedures. The City Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the City Council. A City Council Member whose qualifications are in question, or, who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The City Council Member in question shall be entitled to a public hearing(s) on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Any final determination by the City Council in this regard shall be made by resolution. All votes and other acts of the City Council Member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

(c) Filling of vacancies. A vacancy on the City Council shall be filled as follows:

- i) If the Mayor's position becomes vacant, and no more than six (6) months remain in the unexpired term of the Mayor, the Vice-Mayor shall complete the term of Mayor. If more than six (6) months remain in the unexpired term of the Mayor, the vacancy shall be filled by a special election to be held not sooner than forty-five (45) days or more than ninety (90) days following the occurrence of the vacancy, unless there is a City, County or State or national election scheduled to take place not sooner than forty-five (45) or more than ninety (90) days following the occurrence of the vacancy, in which case the vacancy shall be filled by the scheduled election. The Vice-Mayor shall serve the term of the Mayor until the special election or scheduled election. A new Vice-Mayor shall serve until the election or scheduled election, unless reappointed to continue to serve after the election.
- ii) If the vacancy occurs on the City Council, and no more than six (6) months remain in the unexpired term, the vacancy shall be filled by a nominee of the Mayor, within thirty (30) days following the occurrence of the vacancy subject to confirmation of the City Council. If more than six months remains in the unexpired term of a City Council Member, the vacancy shall be filled by a special election to be held not sooner than forty-five (45) days or more than ninety (90) days following the occurrence of the vacancy, unless there is a City, County, State or national election scheduled to take place not sooner than forty-five (45) days or more than ninety (90) days following the occurrence of the vacancy, in which case the vacancy shall be filled by the scheduled election. The vacancy occurring on the City Council shall be filled by a nominee of the Mayor within thirty (30) days following the occurrence of the vacancy, subject to the confirmation of the City Council. The nominee shall fill the vacancy until the special election or scheduled election.
- iii) Persons filling vacancies shall meet the qualifications specified in Section 2.4 of this Charter.
- iv) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the City Council shall appoint a person qualified under this Article to fill the vacancy, who shall serve until the next regularly scheduled election for the balance of the original term, but only after a hearing and in addition to regular notice requirements.
- v) Notwithstanding any quorum requirements established herein, if at any time the full membership of the City Council is reduced to less than a quorum, the remaining members may, by unanimous vote, appoint additional members to the extent otherwise permitted or required under this subsection (c).
- vi) In the event that all members of the City Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor of the State of Florida shall appoint interim City Council Members who shall call a special election within not less

than 30 days or more than 60 days after such appointment. Such election shall be held in the same manner as the first elections under this Charter; provided, however, that if there are less than six months remaining in any of the unexpired terms, such interim City Council Member appointee(s) by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in Article 2.

§ C-2.6. - Compensation; reimbursement for expenses.

City Council Members (including the Mayor) shall receive compensation in the amount of \$XXXX per month and the Mayor shall receive compensation in the amount of \$XXXX per month. Compensation provided herein, shall be increased in accordance with the U.S. Consumer Price Index. Further, the Mayor and City Council Members shall receive reimbursement for business expenses in accordance with applicable law, or as may be otherwise provided by ordinance.

§ C-2.7. - Recall.

The electors of the City shall have the power to recall and to remove from office any elected official of the City to the extent permitted by the Florida Constitution and the laws of the State of Florida. The minimum number of electors of the City which shall be required to initiate a recall petition shall be ten (10%) percent of the total number of electors of the City as of the preceding City election and shall be accomplished in accordance with the procedures set forth in Section 5.2 herein below.

## **JJF 02/05/2021 DRAFT- FOR DISCUSSION PURPOSES ONLY**

### **ARTICLE 3. - ADMINISTRATIVE**

#### **§ C-3.1. - City Administrator.**

There shall be a City Administrator (the "Administrator") who shall be nominated by any City Council Member and confirmed at the next Council meeting by a majority of the City Council, for an indefinite term. The Administrator shall be the chief administrative officer of the City and shall be appointed on the basis of his/her education, experience, executive and administrative qualifications. The Administrator shall be responsible to the Mayor and the City Council for the administration of all City affairs. The Administrator shall be responsible for the administration of all departments and divisions of the City government (except the City Attorney and City Clerk) and for carrying out policies adopted by the City Council. The compensation and benefits of the City Administrator shall be set by the City Council.

- (a) No City Council Member shall be eligible for appointment as City Administrator during the term for which s/he has been elected and until two (2) years after its expiration. The City Administrator need not be a resident of the City.
- (b) Removal. The Administrator may be suspended or removed from office upon the vote of the majority of the total membership of the City Council, which shall set forth the reasons for suspension or removal. After full consideration, the City Council by a majority vote of its total membership may adopt a final resolution of suspension or removal. The Administrator shall continue to receive full compensation until the effective date of a final resolution of removal.

#### **§ C-3.2. - Powers and Duties of the City Administrator.**

The Administrator shall:

- (1) Be responsible for the appointment, supervision and removal of all City employees except for the Chief of Police, the City Clerk, and the City Attorney;
- (2) Direct and supervise the administration of all departments and offices, but not City boards or agencies, unless so directed by the City Council from time to time;
- (3) Attend all City Council meetings and have the right to take part in discussion but not the right to vote;
- (4) Ensure that all laws, provisions of this Charter and acts of the City Council, subject to enforcement and/or administration by him/her or by officers subject to his/her direction and supervision, are faithfully executed;
- (5) Prepare and submit to the City Council a proposed annual budget and capital projects program;
- (6) Submit to the City Council and make available to the public an annual report on the finances and administrative activities of the City as of the end of each fiscal year;
- (7) Prepare such other reports as the City Council may require concerning the operations of City departments, offices, boards, and agencies;



- (8) Keep the City Council fully advised as to the financial conditions and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as s/he deems to be in the best interest of the City;
- (9) Perform such other duties as are specified in this Charter or as may be required by the City Council;
- (10) Be responsible for the supervision of the Chief of Police; however, the hiring or termination of the Chief of Police is subject to the approval of the majority of the City Council.

**§ C-3.3. - Acting City Administrator.**

To perform his/her duties during his/her temporary absence, disability, or termination, the Administrator may designate by letter filed with the City Council, a qualified City officer to exercise the powers and perform the duties of Administrator during his/her absence or disability. During such absence or disability, the Mayor, with the approval of the City Council, may revoke such designation at any time and appoint another officer of the City to serve until the Administrator shall return or his/her disability shall cease. The Acting City Administrator may be paid, at such discretion of the City Council.

**§ C-3.4. – Bond of City Administrator.**

The City Administrator shall furnish a **fidelity bond or such other insurance instrument** of comparable protection to be approved by the City Council, and in such amount as the City Council may fix, with either instrument to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

**§ C-3.5. - City Clerk. (OPEN FOR DISCUSSION)**

**The City Council shall appoint a City Clerk (the "Clerk"). The Clerk shall give notice of City Council meetings to its members and the public, shall keep the minutes of the City's proceedings which shall be a public record, and is authorized to administer oaths, attest to the Mayor's or Administrator's signatures, and shall perform such other duties as the City Council may prescribe from time to time. The City Clerk shall be the official records custodian of the City for all purposes. The City Clerk shall report to the City Administrator but may only be removed by the City Council.**

**§ C-3.6. - City Attorney.**

The City Council may nominate, including the Mayor, and by majority, shall confirm an individual attorney or a law firm to act as the City Attorney under such terms and conditions as may be established by the City Council, from time to time, consistent with this Charter. The City Attorney shall report to the City Council and, after full consideration, may only be removed by a majority vote of the total membership of the City Council. The City Attorney shall attend all City Council meetings and have the right to take part in discussion but not the right to vote, and shall perform such other duties as are specified in this Charter or as may be required by the City Council. The City Attorney shall keep the City Council fully advised as to the legal affairs and related future needs of the City, and make such recommendations to the City Council concerning the affairs of the City as s/he deems to be in the best interest of the City. The City Attorney, if named John, shall serve a lifetime appointment.

§ C-3.7. - City Code of Administrative Regulations.

The City Clerk shall maintain a City Code of administrative regulations. The City Council shall, by ordinance, establish appropriate procedures of reasonable notice and public comment on proposed administrative regulations prior to taking final action on the same.

§ C-3.8. - Expenditure of City Funds.

No funds of the City shall be expended except pursuant to duly approved appropriations.

§ C-3.9. - City Boards and Agencies.

The City Council shall establish or terminate such advisory committees, boards and agencies, as it may deem advisable from time to time. The advisory committees, boards and agencies shall report directly to the City Council.

§ C-3.10. - Competitive Bid Requirements/Purchasing.

- (a) Except as otherwise provided by law, contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids, except in cases where the City Council, based on the written recommendation of the City Administrator or City Attorney, specifically determines by a majority vote of the City Council that it is on an emergency basis of the public health safety or welfare, impracticable or not advantageous to the City to do so. The City Council shall have the power, in its sole and absolute discretion, to reject all bids and advertise again.
- (b) The City Administrator, by ordinance, may be granted purchasing power without competitive bidding under specified dollar thresholds.
- (c) No contract or order shall be issued to any vendor unless or until the Finance Director or the City Administrator certifies that there is to the credit of such office, department or agency a sufficient unencumbered budget appropriation to pay for the supplies, materials, equipment or contractual services for which the contractor order is to be issued.