



CITY OF OKEECHOBEE

CITY COUNCIL

APRIL 19, 2022

LIST OF EXHIBITS

Draft Minutes	April 5, 2022
Warrant Register	March 2022
Exhibit 1	Resolution No. 2022-03, Fund Balance Policy
Exhibit 2	Okeechobee Main Street Park Street Lamp Post Banners
Exhibit 3	Culpepper & Terpening, Inc. Engineering Agreement for Resurfacing Project
Exhibit 4	Kimley Horn Engineering Agreement for SE 4 th Street Stormwater Improvement
Exhibit 5	Ordinance No. 1253, Referendum General Election Ballot adopting City Charter



CITY OF OKEECHOBEE, FLORIDA
APRIL 5, 2022, REGULAR CITY COUNCIL MEETING
DRAFT MEETING MINUTES

I. CALL TO ORDER

Mayor Watford, called the regular meeting of the City Council for the City of Okeechobee to order on April 5, 2022, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue, Room 200, Okeechobee, Florida. The invocation was offered by Mayor Watford; followed by the Pledge of Allegiance led by Council Member Chandler.

II. ATTENDANCE

Roll was taken by City Clerk Lane Gamiotea to establish a quorum. Members present: Mayor Dowling R. Watford, Jr., Council Members Noel A. Chandler, Monica M. Clark, Robert "Bob" Jarriel, and Robert "Bobby" M. Keefe, Jr.

III. AGENDA AND PUBLIC COMMENTS

- A. There were no requests for items be added, deferred, or withdrawn from the agenda.
- B. Motion and second by Council Members Keefe and Clark to approve the agenda as presented. **Motion Carried Unanimously.**
- C. No comment cards were submitted for public participation for issues not on the agenda.

IV. PRESENTATIONS AND PROCLAMATIONS

- A. Mayor Watford presented Mr. Evan Neal, who was accompanied by his family members, with a prestigious Key to the City of Okeechobee in a custom shadow box. This is the highest distinguished award that the City bestows. The Certificate that was presented read as follows: **"Whereas, the City of Okeechobee, Florida deems it befitting to honor young adults of our community who inspire our youth to dream, do more, and become more, as future leaders; and Whereas Evan's hometown, the City of Okeechobee, is proud to recognize his dedication and achievements to athletics and academics. He attended Okeechobee High School until transferring and graduated from IMG Academy. As a five-star recruit, and No. 1 Offensive Tackle in the nation out of IMG Academy, he went on to attend the University of Alabama, where he has been a three-year starter, and most notably, a starting member of the team who won the 2021 College Football Playoff National Championship. Then, most recently, in January of 2022, announced he would forgo his senior year and enter the NFL Draft, where he has potential to be one of the top draftees; and Whereas, Evan is the first athlete in the sport of football from our community, to have achieved such a level in the NFL Draft and listed as the most physically gifted player in the nation. His academic ability is evenly paired with his athleticism, as he is on the SEC Honor Roll and will graduate in 2022 with a Bachelors in Communication from the University of Alabama. Now, Therefore, I, Dowling R. Watford, Jr., by virtue of the authority vested in me as Mayor of the City of Okeechobee, Florida, in recognition of Evan's achievements as an athlete, student, and mentor, and proudly presented on this 5th day of April 2022."**

V. CONSENT AGENDA

Motion and second by Council Members Keefe and Clark to:

- A. [Dispense with the reading and] approve the meeting Minutes for March 15, 2022 [as presented].
- B. Reappoint Mr. Phil Baughman, Mr. Rick Chartier, and Mr. Doug McCoy as Regular Members to the Planning Board, Board of Adjustment, and Design Review Board, terms being May 1, 2022, through April 30, 2025 [as presented in Exhibit 1].
- C. Approve the disposal of obsolete and surplus equipment in the Public Works Department [as presented in Exhibit 2].
Motion Carried Unanimously.

VI. MAYOR WATFORD OPENED THE PUBLIC HEARING AT 6:15 P.M.

- A. Motion and second by Council Members Jarriel and Keefe to read by title only, proposed Ordinance No. 1251, Future Land Use (FLU) Map Amendment Application No. 22-002-SSA submitted by the property owner, Brian Keith Hickman/Huntermako "LLC" to reclassify from Single Family Residential (SFR) to Commercial (C), property located at 804 Southwest (SW) 2nd Avenue, consisting of 0.16+/- acres. Legal: Lot 1 of Block 3, SOUTH OKEECHOBEE, Plat Book 5, Page 7, Okeechobee County public records; and recommended by the Local Planning Agency [as presented in Exhibit 3]. **Motion Carried Unanimously.**

VI. PUBLIC HEARING CONTINUED

- A. Continued. City Attorney John Fumero, read proposed Ordinance No. 1251 by title only as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE CITY OF OKEECHOBEE COMPREHENSIVE PLAN, ORDINANCE NO. 635 AS AMENDED, BY REVISING THE FLU MAP ON A CERTAIN TRACT OF LAND MORE PARTICULARLY DESCRIBED HEREIN FROM SFR TO C, APPLICATION NO. 22-002-SSA; PROVIDING FOR INCLUSION OF ORDINANCE AND REVISED FUTURE LAND USE MAP IN THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

Motion and second by Council Members Keefe and Jarriel to adopt proposed Ordinance No. 1251. City Planner, Mr. Jim LaRue of 1375 Jackson Street, Suite 206, Fort Myers, Florida, presented the Planning Staff Report findings included in Exhibit 3. Mr. Steve Dobbs of 209 Northeast (NE) 2nd Street, Okeechobee, stated he was in attendance on behalf of the client, who recently purchased the subject project and brought it into code compliance. **Motion Carried Unanimously.**

VII. MAYOR WATFORD ANNOUNCED THEY WOULD NOW ENTER THE PUBLIC HEARING PORTION OF AGENDA FOR PLANNING AND ZONING QUASI-JUDICIAL ITEMS

- A. Motion and second by Council Members Jarriel and Keefe to read by title only, proposed Ordinance No. 1245 for Petition No. 22-002-R, rezoning a total of 54.8+/- unplatted acres from Holding and Residential Mobile Home (RMH) to Heavy Commercial (CHV) (16.8+/- acres) and Residential Multiple Family (RMF) (38.0+/- acres), submitted by property owner Gad Reggev/Blue Spring Holdings LLC. The vacant property is located in the NE section of the City boundaries, situated East of Taylor Creek, South of the railroad track, West of the NE City Limits (NE 13th Avenue), and surrounds River Run Phase 2 subdivision to the North, East, and South. The proposed use is a multi-family residential community and household storage facility; and recommended by the Planning Board [as presented in Exhibit 4]. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1245 by title only as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM HOLDING AND RMH TO CHV AND RMF, PETITION NO. 22-002-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

Motion and second by Council Members Keefe and Clark to adopt proposed Ordinance No. 1245. Attorney Fumero collectively administered an Oath to Mr. LaRue of 1375 Jackson Street, Suite 206, Fort Myers, Florida; Mr. Dobbs of 209 NE 2nd Street, Okeechobee; Mr. Michael and Mrs. Sarah Nave of 909 NE 5th Street, Okeechobee; and Mr. Robert “Bob” Brandenburg of 303 NE 8th Avenue, Okeechobee. Mr. LaRue presented the Planning Staff Report findings included in Exhibit 4. Mr. Nave, Mrs. Nave, and Mr. Brandenburg individually voiced their concerns of the potential traffic impact through their subdivision. Mrs. Nave suggested the new development be required to have ingress/egress gates. Mr. Brandenburg added his support for requiring the gates at the entrance of the new development and asked that the developer construct a sound wall around the perimeter of their subdivision. **The Mayor and Council agreed with the concerns stated by the residents of River Run and noted to City Staff to ensure these issues were properly addressed during site plan review by the Technical Review Committee (TRC). Additionally, City Clerk Gamiotea was instructed to provide a copy of the TRC meeting notice to the River Run residents. Motion Carried Unanimously.**

- B. Motion and second by Council Members Clark and Jarriel to read by title only, proposed Ordinance No. 1246 for Petition No. 21-006-R, rezoning Lots 23 and 24 of Block 3, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records, 0.4+/- acres from RMF to CHV. Submitted by the property owner Muhammad Nooruddin. The vacant property is located at 204 Northwest (NW) 13th Street, the proposed use is a storage facility; and recommended by the Planning Board [as presented in Exhibit 5]. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1246 by title only as follows: **“AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM RMF TO CHV, PETITION NO. 21-006-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.”**

Motion and second by Council Members Clark and Keefe to adopt proposed Ordinance No. 1246. Attorney Fumero collectively administered an Oath to Mr. LaRue of 1375 Jackson Street, Suite 206, Fort Myers, Florida, who presented the Planning Staff Report and TRC findings. There were no public comments. **Motion Carried Unanimously.**

VII. PLANNING AND ZONING QUASI-JUDICIAL PUBLIC HEARING CONTINUED

- C. Motion and second by Council Members Clark and Jarriel to read by title only, proposed Ordinance No. 1252, regarding Petition No. 22-003-R submitted by the property owner, Brian Keith Hickman/Huntermako "LLC" to rezone from Residential Single Family-One (RSF-1) to Commercial Professional Office (CPO), Lot 1 of Block 3, SOUTH OKEECHOBEE, Plat Book 5, Page 7, Okeechobee County public records. Property located at 804 SW 2nd Avenue, consisting of 0.16+/- acres. The proposed use is to join the property with adjacent lot to the South [as presented in Exhibit 6]. **Motion Carried Unanimously.**

Attorney Fumero read proposed Ordinance No. 1252 by title only as follows: **"AN ORDINANCE OF THE CITY OF OKEECHOBEE, FLORIDA; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF OKEECHOBEE BY REZONING CERTAIN TRACTS OF LAND MORE PARTICULARLY DESCRIBED HEREIN, FROM RSF-1 TO CPO, PETITION NO. 22-003-R; AMENDING THE ZONING MAP ACCORDINGLY; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE."**

Motion and second by Council Members Keefe and Jarriel to approve the first reading of proposed Ordinance 1252 and set May 3, 2022, as the final public hearing date.

Attorney Fumero collectively administered an Oath to Mr. LaRue of 1375 Jackson Street, Suite 206, Fort Myers, Florida who provided the Planning Staff Report findings; and Mr. Dobbs of 209 NE 2nd Street, Okeechobee, in attendance on behalf of his client, and noted this is the same property as the previously adopted in Ordinance No. 1251. **Motion Carried Unanimously.**

MAYOR WATFORD CLOSED THE PUBLIC HEARING AT 6:44 P.M.

VIII. NEW BUSINESS

- A. Motion and second by Council Members Jarriel and Keefe to approve the purchase of a Vector Impact Stormwater Cleaner Truck [from Source Well Cooperative Purchasing program contract No. 101221-VTR] in the amount of \$301,488.00 funded through the American Rescue Plan Act [as presented in Exhibit 7]. **Motion Carried Unanimously.**
- B. Motion and second by Council Members Jarriel and Keefe to approve a leave of absence without pay [Personal Unpaid Leave] request for a Public Works Employee from March 23 through 24, 2022 [as presented in Exhibit 8]. **Motion Carried Unanimously.**
- C. Motion and second by Council Members Clark and Keefe to adopt proposed Resolution No. 2022-03, Fund Balance and Reserve Policy [as presented in Exhibit 9].

Attorney Fumero read proposed Resolution No. 2022-03 by title only as follows: **"A RESOLUTION OF THE CITY OF OKEECHOBEE, FLORIDA; ESTABLISHING A FUND BALANCE AND RESERVE POLICY FOR THE CITY OF OKEECHOBEE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE."**

Finance Director Riedel presented a five-slide power point presentation, which has been incorporated into the official minute file. After a lengthy discussion, **a motion and second by Council Members Jarriel and Clark was made to postpone the adoption of proposed Resolution No. 2022-03 to the April 19, 2022, meeting. Motion Carried Unanimously.**

IX. CITY ATTORNEY UPDATE

- A new State law was passed by Legislation that will limit local governments' authority on home-based businesses. This will cause the City to amend its current regulations, an ordinance has been drafted and provided to City Staff for review and processing.
- The draft ordinance addressing the revised Charter to be on the ballot as a referendum will be on the next agenda.
- Continuing to work with General Services Coordinator Burnette on the issues with Planning and Zoning.
- Recently reappointed to the Florida Tax Watch Committee.

X. ADMINISTRATOR UPDATE

- Met with the new owner of the former Okeechobee Fishing Village and Resort (locally known as Roger Jones RV Park). He is making improvements to the Park and boat slips.
- Met with representatives of the new RaceTrac Truck Stop, who have agreed to construct the sound wall between their new development and the residential area, they are providing the City with enough perimeter area to properly address the drainage swales. All should be completed in a few weeks.
- The new City Planning Consultant, Morris Depew Associates, Inc will be starting on May 1, 2022.

X. ADMINISTRATOR UPDATE CONTINUED

- Reminded everyone of the Joint Workshop with the Planning Board on May 24, 2022, 6:00 p.m.
- City Staff will be presenting recommendations to revise the current salary structure.

XI. CITY COUNCIL COMMENTS

- Council Member Chandler noted his appreciation to Staff for keeping on top of everything.
- Council Member Jarriel asked Attorney Fumero what would be required to allow conditional zoning; the matter would be researched, and the Attorney will follow up with him directly.

Council Member Keefe:

- Grateful to Staff for getting the Fund Balance Policy to the Council, will make the upcoming Budget Workshops fun.
- Appreciated the comments the Mayor made about the American Rescue Funds

XII. ADJOURN, Mayor Watford adjourned the meeting at 7:51 P.M.

Submitted By:

Lane Gamiotea, CMC, City Clerk

Please take notice and be advised that when a person decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, s/he 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.



Okeechobee, FL

Check Report

By Check Number

Date Range: 03/01/2022 - 03/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: CapVeh Fund-Capital Vehicle Fund Truist Checking						
1934	Verizon Wireless	03/24/2022	Regular	0.00	806.91	1908
Calvin, Giordano & A	Calvin, Giordano & Associates	03/31/2022	Regular	0.00	1,662.50	1909

Bank Code CapVeh Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	2	2	0.00	2,469.41
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	2	2	0.00	2,469.41

Check Report

Date Range: 03/01/2022 - 03/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: GenFund-General Fund Checking-Truist Checking						
City Of Okeechobee P	City Of Okeechobee Payroll Account	03/09/2022	EFT	0.00	105,911.31	65
1644	PRM - Health Insurance	03/15/2022	EFT	0.00	53,396.06	66
1770	PRM - Life, LTD & STD	03/15/2022	EFT	0.00	3,713.32	67
1645	PRM - Vision & Dental	03/15/2022	EFT	0.00	1,984.13	68
City Of Okeechobee P	City Of Okeechobee Payroll Account	03/24/2022	EFT	0.00	105,230.93	69
467	PRM - Property & Casualty	03/31/2022	EFT	0.00	74,478.00	70
AcePest	ACE Pest Control, Inc.	03/15/2022	Regular	0.00	90.00	44340
AdvanceAuto	Advance Auto Parts	03/15/2022	Regular	0.00	39.74	44341
America's Office Sou	America's Office Source	03/15/2022	Regular	0.00	153.59	44342
Apex Pest Control, I	Apex Pest Control, Inc.	03/15/2022	Regular	0.00	60.00	44343
BOA- 2709 fka 0257 a	Bank of America - 2709 fka 0257 Admin	03/15/2022	Regular	0.00	1,618.22	44344
	Void	03/15/2022	Regular	0.00	0.00	44345
BOA- 7178 fka 6737 P	Bank of America - 7178 fka 6737 PD#2	03/15/2022	Regular	0.00	534.66	44346
BOA- 9852 fka 8540	Bank of America - 9852 fka 8540	03/15/2022	Regular	0.00	427.46	44347
BOA- 9928 fka 2303 P	Bank of America - 9928 fka 2303 PW	03/15/2022	Regular	0.00	494.13	44348
BOA- 3135 Bernst	Bank of America-3135 Bernst	03/15/2022	Regular	0.00	238.00	44349
Carr, Riggs & Ingram	Carr, Riggs & Ingram, LLC	03/15/2022	Regular	0.00	11,800.00	44350
CAS Governmental Ser	CAS Governmental Services, LLC	03/15/2022	Regular	0.00	3,651.26	44351
CenturyLink-LD	CenturyLink	03/15/2022	Regular	0.00	16.35	44352
CenturyLink-Local	CenturyLink	03/15/2022	Regular	0.00	2,181.48	44353
621	City Of Okeechobee - Petty Cash	03/15/2022	Regular	0.00	10.00	44354
Communications Inter	Communications International, Inc.	03/15/2022	Regular	0.00	442.50	44355
David McAuley	David McAuley	03/15/2022	Regular	0.00	35.00	44356
Dawn Hoover	Dawn Hoover	03/15/2022	Regular	0.00	50.00	44357
Douglas McCoy	Douglas McCoy	03/15/2022	Regular	0.00	35.00	44358
CIT Technology Finan	First-Citizens Bank & Trust Co	03/15/2022	Regular	0.00	289.42	44359
CIT Technology Finan	First-Citizens Bank & Trust Co	03/15/2022	Regular	0.00	227.58	44360
Fitness Factory	Fitness Factory	03/15/2022	Regular	0.00	260.00	44361
Florida Public Utili	Florida Public Utilities	03/15/2022	Regular	0.00	77.95	44362
GALLS, LLC	GALLS, LLC	03/15/2022	Regular	0.00	433.25	44363
1824	Harris Corporation	03/15/2022	Regular	0.00	738.00	44364
1892	Highland Pest Control	03/15/2022	Regular	0.00	55.00	44365
90	IMS	03/15/2022	Regular	0.00	194.79	44366
2174	James Shaw	03/15/2022	Regular	0.00	35.00	44367
105	Jones Equipment Company, Inc.	03/15/2022	Regular	0.00	126.00	44368
2220	Joseph Papasso	03/15/2022	Regular	0.00	35.00	44369
1532	Karyne Brass	03/15/2022	Regular	0.00	35.00	44370
431	LaRue Planning & Mngmnt Services, Inc.	03/15/2022	Regular	0.00	3,500.00	44371
2236	Luna Window Tint	03/15/2022	Regular	0.00	1,500.00	44372
1895	Mac L Jonassaint	03/15/2022	Regular	0.00	35.00	44373
2253	MacVicar Consulting, Inc.	03/15/2022	Regular	0.00	250.00	44374
639	Municode	03/15/2022	Regular	0.00	2,286.60	44375
2212	Nason Yeager Gerson Harris & Fumero P.A.	03/15/2022	Regular	0.00	8,968.95	44376
2057	Okeechobee Army Surplus	03/15/2022	Regular	0.00	536.20	44377
325	Okeechobee County - BOCC	03/15/2022	Regular	0.00	845.00	44378
222	Okeechobee News c/o Independent Newspape	03/15/2022	Regular	0.00	1,371.60	44379
1317	Orthopaedic Care Specialists	03/15/2022	Regular	0.00	223.00	44380
1564	Philip Baughman	03/15/2022	Regular	0.00	35.00	44381
Reno's	Reno's Motorcycle Service	03/15/2022	Regular	0.00	304.07	44382
2165	Richard Chartier	03/15/2022	Regular	0.00	35.00	44383
1574	Salem Trust Company	03/15/2022	Regular	0.00	9,137.39	44384
1574	Salem Trust Company	03/15/2022	Regular	0.00	11,456.33	44385
2110	Security 101	03/15/2022	Regular	0.00	207.76	44386
2230	Smith Equipment Repair	03/15/2022	Regular	0.00	380.91	44387
596	State of Florida Disbursement Unit	03/15/2022	Regular	0.00	255.98	44388
1908	Supplyline	03/15/2022	Regular	0.00	377.45	44389
1550	Taylor Rental - Okeechobee	03/15/2022	Regular	0.00	97.17	44390
1906	Thread Works Embroidery, LLC	03/15/2022	Regular	0.00	254.00	44391
1460	Tire Zone of Okeechobee, Inc.	03/15/2022	Regular	0.00	1,491.60	44392
1516	Total Roadside Services, Inc.	03/15/2022	Regular	0.00	842.85	44393

Check Report

Date Range: 03/01/2022 - 03/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
2080	Treasure Coast Medical Associates	03/15/2022	Regular	0.00	2,715.00	44394
1977	Truly Nolen of America, Inc.	03/15/2022	Regular	0.00	1,063.00	44395
810	Vantage Transfer Agents - 457	03/15/2022	Regular	0.00	3,059.38	44396
1934	Verizon Wireless	03/15/2022	Regular	0.00	447.76	44397
W&W	W&W Lumber Company of Okeechobee	03/15/2022	Regular	0.00	7.89	44398
538	Waste Management Inc. of Florida	03/15/2022	Regular	0.00	32,891.04	44399
1980	WEX Bank	03/15/2022	Regular	0.00	4,364.04	44400
1490	World Risk Management	03/15/2022	Regular	0.00	100.00	44401
1491	Home Depot Credit Services	03/24/2022	Regular	0.00	1,046.42	44402
596	State of Florida Disbursement Unit	03/24/2022	Regular	0.00	10.00	44403
1934	Verizon Wireless	03/24/2022	Regular	0.00	72.14	44404
2180	Savanna Smith	03/25/2022	Regular	0.00	72.00	44405
AdvanceAuto	Advance Auto Parts	03/31/2022	Regular	0.00	61.76	44406
American Drilling Se	American Drilling Services, Inc.	03/31/2022	Regular	0.00	173.50	44407
AFLAC	American Family Life Assurance Co.	03/31/2022	Regular	0.00	435.56	44408
Apex Pest Control, I	Apex Pest Control, Inc.	03/31/2022	Regular	0.00	60.00	44409
C&C Industrial Enter	C&C Industrial Enterprise. LLC	03/31/2022	Regular	0.00	103.74	44410
CenturyLink-Fiber	CenturyLink	03/31/2022	Regular	0.00	1,826.54	44411
CenturyLink-LD	CenturyLink	03/31/2022	Regular	0.00	16.14	44412
CenturyLink-Local	CenturyLink	03/31/2022	Regular	0.00	4,289.84	44413
CenturyLink-Local	CenturyLink	03/31/2022	Regular	0.00	-4,289.84	44413
621	City Of Okeechobee - Petty Cash	03/31/2022	Regular	0.00	64.00	44414
Comcast	Comcast	03/31/2022	Regular	0.00	191.30	44415
Communications Inter	Communications International, Inc.	03/31/2022	Regular	0.00	259.50	44416
Creekside	Creekside Media Group	03/31/2022	Regular	0.00	525.00	44417
David McAuley	David McAuley	03/31/2022	Regular	0.00	35.00	44418
East Coast Signs & S	East Coast Signs & Shirts	03/31/2022	Regular	0.00	264.00	44419
Fidelity	Fidelity National Title Insurance Company	03/31/2022	Regular	0.00	250.00	44420
CIT Technology Finan	First-Citizens Bank & Trust Co	03/31/2022	Regular	0.00	257.57	44421
FPL	Florida Power & Light Company	03/31/2022	Regular	0.00	2,554.43	44422
FPL	Florida Power & Light Company	03/31/2022	Regular	0.00	777.92	44423
Gabriel Roeder Smith	Gabriel Roeder Smith	03/31/2022	Regular	0.00	1,000.00	44424
Gilbert Oil Company,	Gilbert Oil Company, Inc.	03/31/2022	Regular	0.00	23,965.16	44425
Gilbert Outdoors	Gilbert Outdoors	03/31/2022	Regular	0.00	75.69	44426
Global Mapping, Inc.	Global Mapping, Inc.	03/31/2022	Regular	0.00	2,500.00	44427
1824	Harris Corporation	03/31/2022	Regular	0.00	738.00	44428
89	ICS Computers Inc.	03/31/2022	Regular	0.00	149.00	44429
2174	James Shaw	03/31/2022	Regular	0.00	35.00	44430
1866	JC Newell Const. Inspect. Services, Inc.	03/31/2022	Regular	0.00	5,200.00	44431
2220	Joseph Papasso	03/31/2022	Regular	0.00	35.00	44432
1532	Karyne Brass	03/31/2022	Regular	0.00	35.00	44433
594	KYOCERA Document Solutions Southeast	03/31/2022	Regular	0.00	83.98	44434
1071	LegalShield	03/31/2022	Regular	0.00	14.95	44435
117	Liberty National Life Ins. Co.	03/31/2022	Regular	0.00	179.28	44436
1895	Mac L Jonassaint	03/31/2022	Regular	0.00	35.00	44437
656	Mid State Fire Equipment, Inc.	03/31/2022	Regular	0.00	109.00	44438
2212	Nason Yeager Gerson Harris & Fumero P.A.	03/31/2022	Regular	0.00	9,400.00	44439
2057	Okeechobee Army Surplus	03/31/2022	Regular	0.00	186.85	44440
OUA	Okeechobee Utility Authority	03/31/2022	Regular	0.00	1,129.03	44441
2043	O'Reilly Auto Parts	03/31/2022	Regular	0.00	31.98	44442
1564	Philip Baughman	03/31/2022	Regular	0.00	35.00	44443
2165	Richard Chartier	03/31/2022	Regular	0.00	35.00	44444
1699	River City Supply, LLC	03/31/2022	Regular	0.00	782.50	44445
1155	Safety Products Inc.	03/31/2022	Regular	0.00	35.66	44446
1574	Salem Trust Company	03/31/2022	Regular	0.00	9,690.34	44447
1574	Salem Trust Company	03/31/2022	Regular	0.00	12,152.45	44448
2110	Security 101	03/31/2022	Regular	0.00	47.38	44449
2183	Select Shred	03/31/2022	Regular	0.00	30.00	44450
1688	Sprint	03/31/2022	Regular	0.00	117.55	44451
350	Superior Water Works, Inc.	03/31/2022	Regular	0.00	90.00	44452
1908	Supplyline	03/31/2022	Regular	0.00	68.00	44453

Check Report

Date Range: 03/01/2022 - 03/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1550	Taylor Rental - Okeechobee	03/31/2022	Regular	0.00	139.99	44454
1813	Thompson Reuters	03/31/2022	Regular	0.00	95.76	44455
1906	Thread Works Embroidery, LLC	03/31/2022	Regular	0.00	108.00	44456
1460	Tire Zone of Okeechobee, Inc.	03/31/2022	Regular	0.00	72.01	44457
1861	TransUnion Risk & Alternative Data	03/31/2022	Regular	0.00	150.00	44458
2080	Treasure Coast Medical Associates	03/31/2022	Regular	0.00	135.00	44459
1939	United Way	03/31/2022	Regular	0.00	36.00	44460
338	US Postal SVC/Neopost Postage On Call	03/31/2022	Regular	0.00	1,000.00	44461
810	Vantage Transfer Agents - 457	03/31/2022	Regular	0.00	529.38	44462
810	Vantage Transfer Agents - 457	03/31/2022	Regular	0.00	2,570.00	44463
W&W	W&W Lumber Company of Okeechobee	03/31/2022	Regular	0.00	10.98	44464
743	Walmart/Capital One	03/31/2022	Regular	0.00	175.52	44465

Bank Code GenFund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	165	125	0.00	199,780.15
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	-4,289.84
Bank Drafts	0	0	0.00	0.00
EFT's	7	6	0.00	344,713.75
	172	133	0.00	540,204.06

Check Report

Date Range: 03/01/2022 - 03/31/2022

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: PubFac Fund-Public Facility Fund-Truist Checking						
1981	JMC Landscaping Services, Inc.	03/15/2022	Regular	0.00	3,849.58	3466
1670	Sherwin-Williams Co.	03/15/2022	Regular	0.00	481.35	3467
Transportationsoluti	Transportation Solutions & Lighting	03/15/2022	Regular	0.00	1,838.00	3468
2094	USA Services of Florida, Inc.	03/15/2022	Regular	0.00	2,266.00	3469
W&W	W&W Lumber Company of Okeechobee	03/15/2022	Regular	0.00	111.14	3470
FPL	Florida Power & Light Company	03/24/2022	Regular	0.00	5,267.85	3471
1491	Home Depot Credit Services	03/24/2022	Regular	0.00	993.71	3472
CW Roberts Contracti	CW Roberts Contracting, Inc.	03/31/2022	Regular	0.00	2,100.00	3473
Ferguson Enterprises	Ferguson Enterprises, Inc.	03/31/2022	Regular	0.00	2,199.20	3474
1670	Sherwin-Williams Co.	03/31/2022	Regular	0.00	110.88	3475
W&W	W&W Lumber Company of Okeechobee	03/31/2022	Regular	0.00	66.14	3476
White Cap	White Cap, L.P.	03/31/2022	Regular	0.00	660.00	3477

Bank Code PubFac Fund Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	17	12	0.00	19,943.85
Manual Checks	0	0	0.00	0.00
Voided Checks	0	0	0.00	0.00
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	17	12	0.00	19,943.85

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	184	139	0.00	222,193.41
Manual Checks	0	0	0.00	0.00
Voided Checks	0	2	0.00	-4,289.84
Bank Drafts	0	0	0.00	0.00
EFT's	7	6	0.00	344,713.75
	191	147	0.00	562,617.32

Fund Summary

Fund	Name	Period	Amount
001	GENERAL FUND	3/2022	540,204.06
301	PUBLIC FACILITY FUND	3/2022	19,943.85
304	CAPITAL PROJECTS FUND	3/2022	2,469.41
			562,617.32

REVISED FROM THE 4/5/2022 MEETING
RESOLUTION NO. 2022-03

**A RESOLUTION OF THE CITY OF OKEECHOBEE,
FLORIDA; ESTABLISHING A FUND BALANCE AND
RESERVE POLICY FOR THE CITY OF OKEECHOBEE;
PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the City of Okeechobee desires to establish a Fund Balance and Reserve Policy consistent with the Governmental Accounting Standards Board Statement No. 54, Fund Balance Reporting and Government Fund Type Definitions (GASB 54); and

WHEREAS, such a Policy has been prepared and a copy thereof is attached hereto.

NOW, THEREFORE, be it resolved, before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City.

SECTION 1. The City Council hereby adopts the "City of Okeechobee Fund Balance and Reserve Policy," attached hereto as "Exhibit A," and hereby directs the City Administrator to implement said Policy.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or provision and such holding shall not affect the validity of the remaining portions or applications here.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon adoption.

ADOPTED by the City Council of the City of Okeechobee, Florida on this 19th day of April 2022, after introduced and postponed at the April 5, 2022, meeting.

Dowling R. Watford, Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

RESOLUTION NO. 2022-03

EXHIBIT A

CITY OF OKEECHOBEE FUND BALANCE AND RESERVE POLICY

PURPOSE:

To establish a Policy to remain in compliance with standard Governmental Accounting and Financial Standards Board Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions (GASB 54). The City desires to maintain a prudent level of financial resources in its General Fund to guard against service disruption in the event of unexpected temporary revenue shortfalls or unpredicted one-time expenditures. The City also desires to maintain adequate working cash to support operating expenditures in its General Fund during the first quarter of each fiscal year prior to receipt of seasonal revenues. Fund Balance shall be composed of Non-Spendable, Restricted, Committed, Assigned, and Unassigned amounts as defined more fully below.

DEFINITIONS:

- 1. Fund Balance** – As defined by the Governmental Accounting, Auditing and Financial Reporting of the Government Finance Officers Association (“GFOA”), Fund Balance is “the difference between assets and liability reported in a governmental fund.” The General Fund Balances are accumulated primarily through budget surpluses, unanticipated non-recurring revenues, or both.

In lay terms, the language of “Fund Balance” creates a set of classifications for financial reporting that describe the extent to which the City is bound to honor any constraints on the specific purposes for which amounts in the City’s funding can be spent.

The classifications create a hierarchy ranging from the amounts that cannot be spent, known as Non-Spendable Fund Balance, to amounts available for any purpose of the City, known as Unassigned Fund Balance. The classifications are defined below include in order from most to least constrained: Non-Spendable, Restricted, Committed, Assigned, and Unassigned.

- 2. Non-Spendable Fund Balance** – Amounts that are (a) not in spendable form; or (b) legally or contractually required to be maintained intact. “Not in spendable form” includes items that are not expected to be converted to cash, such as inventories and prepaid amounts; items such as long-term amount of loans and notes receivables; and property acquired for resale. The corpus or principal of a permanent fund is an example of an amount that is legally or contractually required to be maintained intact.
- 3. Restricted Fund Balance** – Amounts that can be spent only for specific purposes stipulated by (a) external resource providers such as creditors through debt covenants, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation. Specifically, the Public Facility Improvement Fund and Law Enforcement Special Fund are included in this category.
- 4. Committed Fund Balance** – Amounts that can be used only for the specific purposes determined by a formal action or resolution of the City Council, the City Council’s highest level of decision-making authority for multi-year projects. Commitments may be changed or lifted only by the City Council taking the same formal action or resolution that imposed the constraint originally.

5. **Assigned Fund Balance** – These amounts include spendable Fund Balance amounts established by the City Administrator or the City Council that are intended to be used for specific purposes that are considered neither Restricted nor Committed. Specifically, other grants, subsequent years expenditures, and future capital improvement projects are included in this category.
6. **Unassigned Fund Balance** – Unassigned Fund Balance is the residual classification for the General Fund. This classification represents Fund Balance that has not been assigned to other funds and that has not been Restricted, Committed, or Assigned to specific purposes within the General Fund. Unassigned Fund Balance may also include negative balances for any governmental fund if expenditures exceed amounts Restricted, Committed, or Assigned for those specific purposes. Specifically, the General Fund, Capital Improvement Projects building and improvements funding, and Capital Improvement Projects vehicles funding are included in this category.

FUND BALANCE GOALS are based on existing and continuation of necessary public services, to insure against unanticipated events that would adversely affect the financial condition of the City.

The City should maintain an adequate reserve of Unassigned Fund Balance in the City's various operating funds to provide the capacity to:

- (1) provide sufficient cash flow for daily financial needs,
 - (2) secure and maintain investment grade bond ratings,
 - (3) offset significant economic downturns or revenue shortfalls,
 - (4) provide funds for unforeseen expenditures related to emergencies, and
 - (5) provide for future capital projects, equipment replacement, and enhancements, including but not limited to, those established within the five-year Capital Improvement Plan
- **General Fund** The General Fund is the main operating fund that pays for general services provided by the City, such as public safety, and parks services. The General Fund accounts for all general revenues of the City and for expenditures related to the rendering of the City's general services. The General Fund is considered to have a high level of risk to operations due to its dependence on revenue streams that are susceptible to economic downturns and revenue reduction impacts from outside agency actions. In addition, the General Fund is the main funding source when responding to unexpected events or emergencies.
- The GFOA recommends no fewer than two months of General Fund reserve.
- The City desires to maintain a prudent level of reserves based on the revenue impacts described above and the City's desire to maintain strong bond ratings to minimize borrowing costs. This reserve policy sets the targeted minimum level at an additional four months of budgeted General Fund Total General Operating Expenses to provide stability and flexibility to respond to unexpected adversity and/or opportunities.
- **Special Revenue Funds** – Special revenue funds are created to account for the proceeds of specific revenue sources such as grants that are legally assigned to expenditure(s) for specified purposes and specific future law enforcement needs. No specific reservation of Fund Balance is created by virtue of enactment of this policy. The amount of any reservation of Fund Balance shall be governed by the legal authority underlying the creation of the individual funds.
 - **Public Facility Improvement Fund** – All reserves in this fund are classified as restricted based on Florida Statutes and current ordinances.

- **Debt Service Fund** – Debt Service Funds are typically subjected to the creation of very specific reserve amounts as part of the ordinance or resolution that authorizes the issuance of the bonds, specific loans, or both. This Policy does not create any specific reservation of Fund Balance within any Debt Service Fund. Reserve requirement for any outstanding bond issue will be consistent with the ordinance or resolution authorizing the issuance of the bonds.

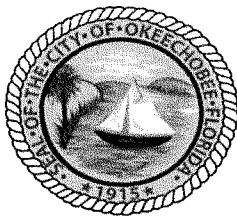
POLICY:

Based on the GFOA recommendations ~~of two months of General Fund reserves and the City's desired four month targeted minimum Total General Operating Expenses,~~ the City shall strive to maintain an Unassigned Reserve minimum Assigned Fund Balance minimum at no less than two months of budgeted general operating expenditures. The City should maintain an additional four months of contingency funds necessary for the continuation of public services to address unanticipated events that would adversely affect the financial condition of the City. in the General Fund (which incorporates the capital improvements projects) equivalent to 50 percent of Total General Operating Expenditures of the current fiscal year. This will provide two months operating expenses and four months of emergency expenses.

For current and future capital projects, which may extend beyond the fiscal year, the City may assign up to 25 percent of the remaining unassigned reserves. This reserve shall be in addition to all other required reserves or designation of Fund Balance.

The City shall keep a minimum equivalent of two months of total general operating expenditures of the current fiscal year as \$1,000,000 of the remaining Funds Unassigned. In the event the Unassigned Reserve Fund Balance these funds drops below to the minimum, they should be replenished to prepare for future events. The City will attempt to replenish this reserve over a five-year period beginning with the completion of recovery from the event for which the reserve funds were required.

The classifications of Fund Balance between Non-Spendable, Restricted, Committed, Assigned, and Unassigned shall be reviewed annually during the preparation of the Annual Financial Statement based on definitions above. The Finance Director will make recommendations to the City Administrator and City Council for classification of funds for Assigned Fund Balance and Committed Fund Balance, respectively. Funds to be classified as Committed require a formal action or resolution to be approved by the City Council to Commit and Un-commit the funds to the classification. Funds to be classified as Assigned require City Administrator approval.



CITY OF OKEECHOBEE

(863) 763-3372 Ext. 9812 FAX (863) 763-1686
EMAIL: rbrock@cityofokeechobee.com

CITY COUNCIL AGENDA ITEM REQUEST FORM

PLEASE SUBMIT COMPLETED FORM TO:

CITY ADMINISTRATOR
55 SE 3RD AVENUE, ROOM 201
OKEECHOBEE, FLORIDA 34974

ATTN: Robin Brock, Executive Assistant

NAME: Okeechobee Main Street/Bridgette Waldau

ADDRESS: 111 NE 2nd St. Okeechobee, FL. 34972

TELEPHONE: 863-357-6246 Email: art@okeechobeemainstreet.org

MEETING: REGULAR ☒ SPECIAL ☐ WORKSHOP ☐ DATE: 4/19/22

Please state the item you wish to have placed on the agenda:

Park Street Lamp Post Banners

Please state what department(s) you have worked with:

City Council, City Admin., Parks and Rec

Please state desired action by the City Council: Approval to place lamp post banners on Park Street. (35)

Please summarize pertinent information concerning your request and attach applicable documents: To celebrate and bring attention to our Cattle Drive sculpture project, we would like to design and hang banners commemorating not only the project but the historical significance of the project. We would like to hang the banners during the months of May and June so they coincide with the installation and dedication of the project.
If a presentation is to be made, please limit the time to ten minutes unless otherwise approved by the Mayor.

SIGNED BY: Bridgette Waldau

DATE: 4/8/2022



OKEECHOBEE Ranching History

**Cattle Drive Sculpture
Art in Flagler Park**



Presented by

Okeechobee Main Street

Arts & Culture Alliance
OF OKEECHOBEE COUNTY

Sculpture Funded By Community Private Donors

Flagler Park Design Partnership



Altobello Family Donor Advised Fund


**COMMUNITY
FOUNDATION**
for Palm Beach and North Counties



Memo

To: Gary Ritter
From: David Allen
Date: 3/28/2022
Re: Agreement for Engineering Design Services, SE 5th Ave SCOP funded
resurfacing project FPID 442242-1

The Public Works Department is requesting a purchase order in the amount of \$52,710.00 for survey and design engineering for the SW 5th Avenue FDOT SCOP funded resurfacing project. Per the attached project authorization, the scope for the project is to provide:

- Design Survey
- Geotechnical Survey
- 60% Roadway Plans
- Final 100% Roadway Plans
- FDOT Review assistance
- Bidding assistance

During the construction phase of the project, additional engineering service will be required for inspection, as-built, and project certification. Per FDOT requirements, these services are required to be provided by a different engineering firm than the design engineer.

PROJECT AUTHORIZATION FORM	
CT Project No:	21-254
Project Name:	SW 5 th Avenue Widening & Resurfacing
Project Authorization No.	_____
Project Requested By:	David Allen, Public Works Director City of Okeechobee DAllen@CityofOkeechobee.com
Date Of This Authorization	January 27, 2022
Consultant:	Culpepper & Terpening, Inc. Kelly Cranford, PE kcranford@ct-eng.com

In accordance with the terms of the Professional Engineering Services Agreement with the City of Okeechobee, C&T, Inc. hereby provides confirmation of request for services requested by the Owner/Client. All of the Agreement terms and conditions shall remain in force and effect, except as modified in this Work Authorization.

Scope: Consultant shall provide the construction plans for the widening and resurfacing of 5th Avenue from Park Street to south of Central Elementary School. Plans shall include the following:

- Milling and resurfacing of existing travel lanes
- Signing and pavement markings
- Maintenance of Traffic Plans
- Side road and driveway turnouts
- Upgrade drainage facilities

Specific services and tasks to be performed by Consultant are as follows:

PHASE 2: PRELIMINARY DESIGN SERVICES

Task 2.1 Design Survey

Consultant shall provide field data collection in sufficient detail to prepare the resurfacing plans along the entire corridor. The survey shall define the limits of the public road right-of-way. Consultant shall also prepare topographic survey of the proposed corridor including 5' outside of the proposed right of way. Record drawing information will be procured from the Okeechobee Utility Authority to establish the location of the existing potable water, gas, electric and sanitary sewer facilities.

Task 2.2 Geotechnical Survey

Consultant shall have produced a geotechnical survey of the project corridor specifically for the milling and resurfacing project. Geotechnical survey shall be limited to five (5) cores of the existing pavement to establish the pavement profile for the milling and resurfacing design.

PHASE 3: FINAL DESIGN SERVICES

Task 3.1 60% Roadway Plans

Consultant shall provide the Client with the initial 60% plan submittal documents in general accordance with the FDOT FDM and Florida Green Book. The Plans shall be prepared on 11" x 17" size format and comply with the City of Okeechobee criteria, FDM, and FDOT Standard Plans. The Plan submittal requirements shall be consistent with the FDM, Part III, Chapter 301.2, 60% and include the following components:

- Key Sheet (Preliminary)
- General Notes/Summary of Pay Items (Preliminary)
- Typical Sections (Preliminary)
- Project Layout Sheets @ 100 scale (Preliminary)
- Roadway Plan Sheets @ 40 Scale (Preliminary)
- Roadway Soil Survey (Final)

This task shall include a review meeting with the City of Okeechobee. Consultant shall also provide the following items commensurate with the development of the 60% Plan information:

- Geotechnical Report
- Engineer's Estimate of Probable Construction Cost commensurate with the development of the 60% Plan information.

Task 3.2 Final 100% Resurfacing Plans

Consultant shall provide the Client with the final plan for roadway milling and resurfacing plans. The plans shall be in general accordance with the FDOT FDM and Florida Green Book. The Plans shall be prepared on 11" x 17" size format and comply with the City of Ft. Pierce criteria, FDM, and FDOT Standard Plans. The Plan submittal requirements shall be consistent with the FDM, Part III, Chapter 301.2, 100% and include the following components:

- Key Sheet (Final)
- General Notes/Summary of Pay Items (Final)
- Typical Section (Final)
- Project Layout Sheets @ 100 scale (Final)
- Roadway Plan Sheets @ 40 scale (Final)
- Sidewalk ADA Compliance section (Final)
- Roadway Soil Survey (Final)
- Stormwater Pollution Prevention Plan (Final)
- Traffic Control Plan (Final)
- Signing & Pavement Marking Plan (Final)

This task shall include a review meeting with the City of Okeechobee. Consultant shall also provide the following items commensurate with the development of the Final Plan information:

- Response to comments received from the City of Okeechobee and FDOT.
- Engineer's Estimate of Probable Construction Cost commensurate with the development of the Final Plan information.

Task 3.3 FDOT ERC Review Responses

Consultant shall provide responses to the comments generated by the FDOT ERC review process.

PHASE 4: BIDDING SERVICES

Task 4.1 Bid Assistance

Consultant shall provide the following assistance to City of Okeechobee as part of the bidding process:

- Bid Document Preparation:
Consultant shall prepare the standard technical specifications and special provisions required for inclusion in the Bid Documents. The technical specification and special provision shall be prepared in the standard City bid format included in the Technical Specification section of the Bid Documents.
- Prepare for and attend the pre-bid meeting for the project.
- Provide City with responses to request for information and/or questions that arise from the meeting.
- Provide necessary plans changes from comments during the bidding process.
- Review bid tabulations prepared by City and provide recommendations of award.
- Issue "Approved for Construction" plan sets to the contractor

EXCLUSIONS

Specific exclusions from this Work Authorization are listed as follows:

1. Utility Relocation Design
2. Preparation of Temporary Construction Easements
3. Title work to determine Right-of-Way to be provided by Client. Resolution of Right-of-Way issues to be provided as additional service.
4. Dewatering Permit to be applied for by Contractor
5. No permits required

Payment will be as follows on a percent complete basis:

<u>Phase/Task</u>	<u>Description</u>	<u>Task Fee</u>	
Phase 2	Preliminary Design Services		
Task 2.1	Design Survey	\$ 11,940.00	FEE
Task 2.2	Geotechnical Design Exploration	\$ 5,445.00	FEE
Phase 3	Final Design Services		
Task 3.1	60% Plan Submittal	\$ 15,805.00	FEE
Task 3.2	100% Plan Submittal	\$ 10,800.00	FEE
Task 3.3	FDOT ERC Review Responses	\$ 3,940.00	FEE
Phase 4	Bidding Services		
Task 4.1	Bidding Assistance	\$ 4,280.00	FEE
	Reimbursable Expenses	\$ 500.00	T&E
	Total Fees	\$52,710.00	



Submitted By:

Culpepper & Terpening, Inc.

Kelly Cramford, PE, Env. Sp.
Sr. Project Manager

Approved By:

City of Okeechobee

Mr. David Allen

Memo

To: Gary Ritter
From: David Allen
Date: 4/6/2022
Re: Agreement for Engineering Services, SE 4th Street Stormwater Improvement project
FDEP Agreement LPQ0007

The Public Works Department is requesting a purchase order in the amount of \$18,600.00 for Kimley Horn Engineers. The work performed under this PO is for engineering services to provide facility condition assessment and improvement recommendations for the SE 4th Street stormwater project. Construction funding for this project is from a \$300,000.00 grant from the Florida Department of Environmental Protection previously obtained by the City.

Services provided under this agreement include:

- Review of as-builts for the existing SE 4th Street drainage system
- Analyze recommended improvements for infrastructure that is nearing the end of useful life
- Preparation of a technical memorandum including a summary of the condition assessment and recommendations for improvement projects. The recommendations will include budget estimates and an implementation timeline for the improvements.

It is anticipated that this assessment will identify additional projects that can be used to obtain additional FDEP grant funding in the future.

This agreement does not include design engineering services that will be needed to construct the projects identified by the assessment.



March 16, 2022

David Allen
Public Works Director
City of Okeechobee
55 SE 3rd Avenue
Okeechobee, FL 34974

Re: Professional Services for SE 4th Street Drainage Improvements Project

Dear Mr. Allen:

Kimley-Horn and Associates, Inc., (“Kimley-Horn”) is pleased to submit this proposal to the City of Okeechobee (“City”) for professional civil and environmental engineering services for a feasibility study on the drainage system on SE 4th Street, (the “Project”) located in Okeechobee County, Florida. Our project understanding, scope of services, and fees are described below.

Project Understanding

- The project is to include a feasibility study on the alternatives for improvements to the local drainage system at SE 4th Street.
- The existing drainage system collects stormwater from Parrot Ave and SE 4th Street which discharges via a 48-inch reinforced concrete pipe (RCP) outfall at Taylor Creek. Taylor Creek is a tributary to Lake Okeechobee, which is classified as an impaired water body by Florida Department of Environmental Protection (FDEP) with total maximum daily load (TMDL) thresholds. The drainage system consists of inlet structures, a trash removal baffle box, and approximately 1,600 LF of 48-inch RCP.
- This feasibility study will provide the City with recommendations for improvements to the existing drainage infrastructure utilizing grant funding obtained via the Local Funding Initiative Request to the Florida Senate. Kimley-Horn will focus on five improvements to the area to optimize infrastructure functionality and improve nutrient removal while maintaining compliance with applicable regulations i.e., addition of baffle box for nutrient removal, installation of Wapro tidal check valve, lining of the 48-in RCP storm sewer, road restoration, and structural evaluation of the conflict manhole.

Scope of Services

TASK I – FACILITY CONDITION ASSESSMENT AND IMPROVEMENT RECOMMENDATIONS

- A. Attend a project kick-off meeting with the City.
- B. Review as-builts for the SE 4th Street drainage system.
- C. Conduct two (2) site visits to the project area.

- D. Analyze recommended improvements for infrastructure that is nearing the end of useful life.
- E. Develop budgetary opinions of probable cost and implementation timelines for the recommended infrastructure improvements.
- F. Prepare a draft and final technical memorandum summarizing Kimley-Horn's findings. The technical memorandum will include a summary of the condition's assessment, recommendations for improvement projects, budget level opinion of probable construction cost for each recommended improvement, and an opinion of an implementation timeline for the improvements.
- G. Conduct a conference call with City staff to discuss the draft technical memorandum comments.
- H. Finalize the technical memorandum inclusive of City comments.

Deliverables

Kimley-Horn will prepare the following documents to the City in pdf format:

- Memorandum summary of the Site Visit and Kick Off Meeting.
- Draft Technical Memorandum: SE 4th Street Drainage System Condition Assessment and Improvement Recommendations.
- Final Technical Memorandum: SE 4th Street Drainage System Condition Assessment and Improvement Recommendations.

Services Not Included

Any other services, including but not limited to the following, are not included in this Agreement.

1. Environmental inspection or assessment.
2. Inspections via underwater diving.
3. Design phase services.
4. Construction phase services.

Additional Services

Any services not specifically provided for in the above scope will be considered additional services and can be performed at our then current hourly rates. Additional services we can provide include, but are not limited to, the following:

- Additional analyses or modifications to documents due to Client requested revisions after the final memorandum is issued.
- Services required by additional governmental regulations, which might be put into effect after the date of this agreement.
- Meetings with Client or reviewing agencies other than those listed above.
- Surveying Services

- Geotechnical Services
- Archeological Services
- Architectural Services
- Grant Administration Services
- Design Services
- Construction Phase Services.
- Preparation of contractor bid packages or related services.

Information Provided by Client

Kimley-Horn shall be entitled to rely on the completeness and accuracy of all information provided by the Client. The Client shall provide all information requested by Kimley-Horn during the project, including but not limited to the following:

- Copies of all available information pertinent to services for the project.
- Available project record drawings, including structural plans, and permits.
- Operations and Maintenance Performance Report (OMPR)
- Access to the property.

Fee and Expenses

Payments for the following stipulated lump sum portions of the Basic Services Fee shall be made at the completion of each phase of the Work as follows:

Subtasks	Deliverable	Due Date	Invoice Amount	Format
1	Site Visit and Kick Off Meeting Summary	April 22 nd , 2022	\$4,510	PDF
2	Draft Technical Memorandum	July 21 st , 2022	\$10,900	PDF
3	Final Technical Memorandum	September 1 st , 2022	\$3,190	PDF
Total			\$18,600	

Kimley-Horn will perform the proposed services for a lump sum fee of \$18,600. No permitting, application, and similar project fees are included in this fee. Subtask fees and expenses will be invoiced monthly based, as applicable, upon the completion of each subtask. Payment will be due as stipulated on the continuing services contract.

Closure

In addition to the matters set forth herein, our Agreement shall include and be subject to, and only to, the Executed Contract Agreement for Professional Engineering Services between the City of Okeechobee and Kimley-Horn and Associates, Inc. dated January 18th, 2022. As used in the Agreement, "Engineer" shall refer to Kimley-Horn and Associates, Inc., and "Client" shall refer to The City of Okeechobee. Kimley Horn will begin services after receiving a fully executed Task Assignment from the City of Okeechobee.

We appreciate the opportunity to perform this service for you. Please contact me if you have any questions.

Very truly yours,



Denise Palmatier, P.E.
Associate
Kimley-Horn and Associates, Inc.

ORDINANCE NO. 1253

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF OKEECHOBEE, FLORIDA, PERTAINING TO THE CITY CHARTER; PROVIDING FINDINGS OF CITY COUNCIL REGARDING THE CURRENT CHARTER AND A PROPOSED REVISED CHARTER; CALLING FOR A REFERENDUM FOR ELECTORS OF THE CITY TO VOTE ON WHETHER TO APPROVE REVISIONS TO THE CITY CHARTER; AUTHORIZING AND DIRECTING THE FILING AND PUBLICATION OF THE NEW CITY CHARTER; DECLARING THE LEGAL AUTHORITY FOR ENACTMENT OF THE ORDINANCE; PROVIDING THE BALLOT TITLE AND BALLOT SUMMARY FOR THE REFERENDUM; PROVIDING FOR OTHER RELATED MATTERS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR EFFECTIVE DATES.

WHEREAS, on July 21, 2020, as amended on September 21, 2020, the City Council appointed City residents to serve as the City of Okeechobee Citizens Charter Review Advisory Committee ("CRAC") to review the current City Charter, to determine what changes should be offered to the voters for consideration and to prepare and deliver to City Council its recommendations for amendments to the current charter; and

WHEREAS, the CRAC has proposed wholesale changes to the City Charter in, the form and substance contained in Attachment A to this Ordinance, for the following purposes:

- i) To incorporate a Citizens' Bill of Rights;
- ii) To update and modernize the City Charter;
- iii) To codify a number of charter-type provisions now in the City Code of Ordinances, but not in the City Charter;
- iv) To delete provisions rendered unnecessary or ineffective by municipal home-rule powers and other Florida law; and

WHEREAS, in its draft of a revised charter, the CRAC proposed no material change to the existing Mayor-City Council-Administrator form of government for the City; and

WHEREAS, having reviewed and discussed extensively the proposed revision of the City Charter, the Mayor and the City Council are now ready to offer it to City voters for approval at the General Election to be held on November 8, 2022.

NOW, THEREFORE, be it ordained before the City Council for the City of Okeechobee, Florida; presented at a duly advertised public meeting; and passed by majority vote of the City Council; and properly executed by the Mayor or designee, as Chief Presiding Officer for the City:

SECTION 1: Findings of City Council.

The City Council of the City of Okeechobee finds the following with respect to the Charter of the City of Okeechobee, Florida:

- A.** The City of Okeechobee, Florida, was created in 1915;
- B.** The City Charter was last amended in Ordinance Number 646, enacted by the City Council on July 21, 1992.

SECTION 2: Approval of the Revised City Charter.

The Charter of the City of Okeechobee is approved in the form and substance contained in Attachment A to this Ordinance. Upon approval of the proposed Charter by the electorate, the current Charter of the City of Okeechobee and all its amendments are repealed in their entirety.

SECTION 3: Filing and Publication.

The Mayor and the City Clerk are authorized and directed to cause the revised Charter to be filed with the Florida Department of State and the Okeechobee County Supervisor of Elections and to be published on the City's website and at such other locations as may be necessary or useful for the residents and taxpayers of the City of Okeechobee.

SECTION 4: Authority.

This ordinance is enacted pursuant to the authority granted under Section 166.031 of Florida Statutes.

SECTION 5: Referendum.

- A. Referendum Called.** The City Council hereby calls a referendum to be held at the General Election on November 8, 2022, to allow the electors of the City of Okeechobee to vote on the proposed new Charter. All qualified electors of the City of Okeechobee shall be entitled and permitted to vote on the Referendum. The Referendum shall be held and conducted in the manner prescribed by law for elections.
- B. Ballot.** The ballot title and ballot summary for the referendum shall be as follows:

REVISION OF THE CITY CHARTER FOR THE CITY OF OKEECHOBEE, FLORIDA

Shall the Charter for the City of Okeechobee be updated and revised to retain the current Mayor-City Council-Administrator form of government, (i) incorporate a Citizens' Bill of Rights; (ii) update and modernize the City Charter; (iii) codify a number of charter-type provisions now in the City Code of Ordinance, but not in the City Charter; and (vi) eliminate provisions that are obsolete or inconsistent with, state law and modern municipal governance?

Yes _____

No _____

- C. Translation of the Ballot.** The Mayor and City Clerk are authorized to have the ballot title and summary translated into Spanish if required by the Okeechobee County Supervisor of Elections.
- D. Notice and Election Proclamation.** The Mayor and City Clerk are hereby authorized and directed to advertise the Referendum as required by law and to take all other actions necessary or useful to carry out the provisions of this section.

SECTION 6: Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: Severability.

If any provision or portion of this ordinance is declared by a court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this ordinance shall remain in full force and effect.

SECTION 8: Effective Date.

Sections 4 through 8 take effect immediately upon adoption of this Ordinance by City Council. Sections 1 through 3, and the proposed City Charter in Attachment A take effect on the **first day of December 2022**, but only if the revised Charter is approved by the electors of the City voting in the General Election. If the voters do not approve the revised Charter at the General Election, this Ordinance shall be deemed to be of no further effect.

INTRODUCED for First Reading and set for final Public Hearing on this **19th** day of **April** **2022**.

Dowling R. Watford Jr., Mayor

ATTEST:

Lane Gamiotea, CMC, City Clerk

PASSED AND ADOPTED after Second and Final Public Hearing this **17th** day of **May** **2022**.

Dowling R. Watford Jr., Mayor

ATTEST:

Lane Gamiotea, CMC City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

John J. Fumero, City Attorney

Ordinance No. 1253 Attachment A

CITIZENS' BILL OF RIGHTS

The City of Okeechobee (the City) recognizes that Democracy is a form of government in which people's participation is of primary importance. Citizens must have a voice in decision-making. Decision-makers in government are accountable to the public. The orderly, efficient, and equitable governance and operation of the City is enhanced when there is informed participation of residents exercising their rights and responsibilities, and for residents to respect the dignity of public office. In order to provide the public with full and accurate information, to promote efficient governance, to ensure accountability, and to provide all persons fair and equitable treatment, the following ***Citizens' Bill of Rights*** are established:

1. Truth in Government. No City official or employee shall knowingly furnish false information on any public matter, nor knowingly omit significant facts when giving requested information to members of the public.
2. Public Records. All audits, reports, minutes, documents and other public records of the City and its boards, agencies, departments, and authorities shall be open for inspection at reasonable times and places convenient to the public.
3. Accessibility. Every person should have the ability to transact City business with accessibility and convenience. The City Council, the City Administrator and all City employees shall provide reasonably convenient times for required inspections, for transacting business with the City, and for registration and voting.
4. Minutes and Ordinance Register. The City Clerk shall maintain and make available for public inspection an ordinance register separate from the minutes showing the votes of each member on all ordinances and resolutions listed by descriptive title. As a general rule, written minutes of all meetings, including any advisory bodies, and the like, and the ordinance register shall be available for public inspection not later than 30 (thirty) days after the conclusion of the meeting.
5. Right to be Heard. While maintaining orderly conduct of public business, any interested person has the opportunity to appear before the City Council or City board or department for the presentation, adjustment or determination of an issue, request, or controversy within the jurisdiction of the City. The City Council shall adopt agenda procedure and schedule hearings in a manner that will enhance the opportunity for public participation. Nothing herein shall prohibit the City from imposing reasonable time limits and procedures for the presentation of a matter and to ensure orderly meetings and proper decorum.
6. Right to Notice. Persons entitled by law, ordinance, or resolution to notice of a City hearing shall be timely informed as to the time, place and nature of the hearing and the legal authority pursuant to which the hearing is to be held. Copies of proposed ordinances or resolutions shall be made available at a reasonable time prior to the hearing unless the matter involves an emergency ordinance or resolution.
7. Administrators' and Attorneys' Reports. The City Administrator and City Attorney shall periodically make a public status report on all major matters pending or concluded within their respective areas of concern.
8. Budgeting. In addition to any budget required by State Statute, the City Administrator at the direction of the Mayor shall prepare a budget showing the cost of each department for each budget year. Prior to the City Council's first public hearing on the proposed budget required by state law, the City Administrator shall make public a budget summary setting forth the proposed cost of each individual department and reflecting the personnel for each department, the purposes therefore, and the amount of any contingency and carryover funds for each department.
9. Representation of City and Public. The Mayor shall endeavor to designate one or more individuals, if and when resources are available, to represent the City at all

proceedings before County, regional, State and Federal regulatory bodies when actions may, significantly affect the City and its residents.

10. Construction. All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions. Nothing herein is intended to create any legally enforceable rights or causes of action in a court of law. The City Council, the City Administrator and the City staff shall, to the extent reasonable, carry out these responsibilities and strive to achieve them whenever possible and when provided by law.

CITY OF OKEECHOBEE CHARTER

We, the people of the City of Okeechobee (the City), in order to preserve and protect our hometown way of life, to secure the benefits and responsibilities of home rule, and to provide a municipal government which serves the needs of our community and our citizens, do hereby adopt this Charter.

ARTICLE 1. - CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY AND POWERS

§ C-1.1. - Corporate Existence.

A municipal corporation known as City of Okeechobee (the "City") is hereby created pursuant to the Constitution of the State of Florida (the "State") and the Home Rule Charter of the City.

§ C-1.2. - Form of Government.

The City shall have a "City Council-Administrator" form of government.

§ C-1.3. - Corporate Boundary.

The corporate boundary of the City shall be as follows: THAT A MUNICIPALITY to be called the City is hereby established in the County of Okeechobee, the territorial boundaries of which shall be as follows: Beginning at the Northeast corner of the Northwest quarter of the Northeast quarter of Section [15](#), in Township [37](#) South, Range [35](#) East, and then run South to the Southeast corner of the Southwest quarter of the Southeast quarter of Section [22](#), Township [37](#) South, Range [35](#) East, then run West along the section line dividing Sections [22](#), and [27](#), and [21](#), and [28](#), to the Southwest corner of Section [21](#), Township [37](#) South, Range [35](#) East, then run North along the section line dividing Sections [20](#), and [21](#), and [16](#), and [17](#), to the Northwest corner of Section [16](#), in Township [37](#) South, Range [35](#) East, then run East along section line dividing Sections [9](#), and [16](#), and [10](#), and [15](#), to Point of Beginning;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Beginning at the Northeast corner of the Northeast quarter of Section [28](#), Township [37](#) South, of Range [35](#) East, and then run South to the Southeast corner of the Northeast quarter of Section [28](#), Township [37](#) South, of Range [35](#) East, then run West to the Southwest corner of the Northeast quarter of Section [28](#), Township [37](#) South, of Range [35](#) East, and then run North to the Northwest corner of the Northeast quarter of Section [28](#), Township [37](#) South, of Range [35](#) East, and then run East to Point of Beginning;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Beginning at the Southeast corner of Section [9](#), Township [37](#) South, Range [35](#) East, and bear North along the East line of said Section [9](#), a distance of 325.12 feet to the South boundary of that property described in Official Records Book (ORB) 207, Page 177, Public Records of Okeechobee County, Florida; thence bear South 89°59'53" West along the South boundary of said property described in ORB 207, Page 177, a distance of 351.67 feet to a point on the East right-of-way line of State Road 15 (a/k/a Parrott Avenue); thence bear South 00°00'07" West along said right-of-way line a distance of 301.12 feet; thence bear North 89°52'43" East along said road right-of-way line a distance of 20.00 feet; thence bear South 00°00'07" East along said road right-of-way line a distance of 24.69 feet to a point on the South line of said Section [9](#); thence bear North 89°52'43" East along the South line of said Section [9](#), a distance of 331.66 feet to the Point of Beginning. ALSO: Beginning at the Southwest corner of Section [10](#), Township [37](#) South,

Range [35](#) East, and bear North along the West line of said Section [10](#), a distance of 325.12 feet to a point on the South boundary of that property described in ORB 207, Page 177; thence bear North 89°59'53" East a distance of 448.33 feet along the South boundary of said property described in ORB 207, Page 177; thence bear South 00°00'07" East along the extension of the East boundary of said property described in ORB 207, Page 177, a distance of 321.60 feet to a point on the South line of said Section [10](#); thence bear South 89°32'54" West a distance of 448.36 feet to the Point of Beginning. All lying and being in Sections [9](#), and [10](#), Township [37](#) South, Range [35](#) East; adopted on June 6, 1983 by Ordinance No. 486 recorded in ORB 284, Pages 372-373, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Lot 6 and the South half of Lot 5 of Block 44; Lots 14 through 16, inclusive of Block 45; Lots 11 through 16, inclusive of Block 52; Lots 1 through 6, inclusive of Block 53; Lots 1 through 6, inclusive of Block 68; Lots 11 through 16, inclusive of Block 69; Lots 11 through 16, inclusive of Block 76 and Lots 1 through 6, inclusive of Block 77 all located in Conner's Highlands, as recorded in Plat Book 1, Page 21, Official Records of Okeechobee County; adopted on August 1, 1983 by Ordinance No. 489 recorded in ORB 256, Page 991, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Lots 17 through 26, inclusive of Block 52 and Lots 1 through 10, inclusive of Block 69 all located in Conner's Highlands, as recorded in Plat Book 1, Page 21, Official Records of Okeechobee County; adopted on December 10, 1984 by Ordinance No. 526 recorded in ORB 275, Page 1231, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Lots 1 through 6, inclusive and 8 through 10, inclusive of Block 76; Lots 17 through 26, inclusive of Block 69 all located in Conner's Highlands, as recorded in Plat Book 1, Page 21, Official Records of Okeechobee County; adopted on November 19, 1985 by Ordinance No. 563 recorded in ORB 280, Page 921, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Lots 1 through 10, inclusive of Block 52; and Lots 17 through 26, inclusive of Block 45 all located in Conner's Highlands, as recorded in Plat Book 1, Page 21, Official Records of Okeechobee County; adopted on December 2, 1986 by Ordinance No. 583 recorded in ORB 283, Page 790, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Parcel "C": South one-half of Southwest one-quarter of Northwest one-quarter of Northwest one-quarter. Lying in Section [27](#), Township [37](#) South, Range [35](#) East, Okeechobee County, Florida; adopted on January 20, 1987 by Ordinance No. 587 recorded in ORB 284, Page 374, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Lot 7 of Block 76 located in Conner's Highlands, as recorded in Plat Book 1, Page 21, Official Records of Okeechobee County; adopted on September 5, 1989 by Ordinance No. 613 recorded in ORB 307, Pages 220-221, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: PARCEL I, the Northwest one-quarter of the Northwest one-quarter of the Northeast one-quarter; together with the Northeast one-quarter of the Northwest one-quarter lying North and East of Taylor Creek; also the West 176 feet of the Northeast one-quarter of the Northwest one-quarter of the Northeast one-quarter, less Plat of the 2nd Addition of Okeechobee Estates, also less and except the following described parcel: Beginning at the Southeast corner of Lot No. 14, Okeechobee Estates, according to replat of Lots 1 to 14 of Okeechobee Estates, as recorded in Plat Book 3, Page 55, Public Records of Okeechobee County, Florida, thence run South 00°22'24" East for a distance of 55 feet, thence North 89°37'36" West a distance of 55 feet more or less to Taylor Creek, thence Northwesterly along the

boundaries of Taylor Creek to a point of an extended line parallel to the South line of herein described tract then South 89°37'36" East for a distance of 100 feet, more or less, to Point of Beginning. All being in Section [27](#), Township [37](#) South, Range [35](#) East, Okeechobee County, Florida. PARCEL V, Northeast quarter of Northeast quarter; East half of Northwest quarter of Northeast quarter less and except the West 176.00 feet of the Northeast quarter of the Northwest quarter of the Northeast quarter all being in Section [27](#), Township [37](#) South, Range [35](#) East; adopted on October 3, 1989 by Ordinance No. 616 recorded in ORB 307, Pages 1405-1406. Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: PARCEL VI, That part of the Southwest quarter of Northwest quarter of Northeast quarter lying North and East of Taylor Creek; that part of the South half of Northeast quarter lying North and East of Taylor Creek; that part of the North half of Southeast quarter lying North of Taylor Creek, all being in Section [27](#), Township [37](#) South, Range [35](#) East; adopted on January 2, 1990 by Ordinance No. 622 recorded in ORB 310, Page 480, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: All that certain piece, parcel or tract of land situate, lying and being in Sections [27](#) and [28](#), Township [37](#) South, Range [35](#) East, Okeechobee County, Florida, as shown on the original Government Land Office (G.L.O.) Township Plat and as approved by the Surveyor General on September 29, 1903. All of which is more particularly bounded and described as follows, to-wit: Commencing for reference at a found 5/8" iron rod with cap (stamped "PLS 3372") at the East quarter Section corner of said Section [28](#), Township [37](#) South, Range [35](#) East; Thence, bearing South 89°30'05" West along the South line of the Northeast quarter of Section [28](#), Township [37](#) South, Range [35](#) East, a distance of 297.04 feet to set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179) and the point and place of beginning of the herein described parcel; Thence, continuing along same, bearing South 89°30'05" West a distance of 62.29 feet to a set P.K. nail and disk (stamped lb 6221) on the East right-of-way line of U.S. 441, (a/k/a State Road 15 and Parrott Avenue, 100 feet wide right-of-way; Thence, leaving the South line of the Northeast quarter of Section [28](#), bearing North 00°10'23" West along said East right-of-way line of U.S. 441, a distance of 242.00 feet to the South line of Block 51 First Addition to South Okeechobee, as recorded in Plat Book 1, Page 17, Okeechobee County, Florida; Thence, leaving the East right-of-way line of U.S. 441, bearing North 89°30'05" East along said South line of Block 51, a distance of 359.56 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179) on the East line of said Section [28](#); Thence, leaving the South line of Block 51, bearing North 00°07'12" West along said East line of Section [28](#), and along the East line of said Block 51, a distance of 295.93 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, leaving the East line of Section [28](#), and the East line of Block 51, bearing North 89°18'40" East a distance of 483.36 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing North 00°10'23" West a distance of 121.82 feet, to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing North 89°18'40" East along the North line of South half of the Southwest quarter of the Northwest quarter of said Section [27](#), a distance of 528.47 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 00°10'23" East along a line 1421.61 feet East of and parallel with the centerline of the aforesaid U.S. 441, a distance of 730.00 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 89°18'40" West a distance of 285.41 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 18°29'43" East a distance of 234.56 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 00°10'23" East a distance of 173.72 feet to a set 4" x 4" concrete monument with aluminum alloy cap (stamped M.F. Lenz Co. LB 6221); Thence, bearing South 89°18'28" West along the North line of lands of City Markets Building, Inc. as recorded in ORB 205, Page 285 and ORB 201, Page 73, a distance of 1021.76 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179), at the Southeast corner of those lands of Louis R. Demicco as recorded in ORB 200, Page 893, Public Records of Okeechobee County, Florida; Thence, leaving the North line of lands of City Markets Building, Inc., bearing North 00°07'12" West along the Easterly line of those lands of Louis R. Demicco, a distance of 424.40 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, continuing along the lands of Louis R. Demicco, bearing South 89°30'05" West a distance of 35.00

feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, continuing along the lands of Louis R. Demicco, bearing North 43°44'23" West a distance of 59.98 feet to the point and place of beginning; The above described premises contain an area of 1,182,298.90 square feet or 27.14 acres. Subject to all Easements, Conditions and Restrictions as contained within the Chain of Title; adopted on March 17, 1998 by Ordinance No. 710 recorded in ORB 403, Pages 1627-1631, Public Records of Okeechobee County, Florida.

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: East Parcel (1 of 2): A parcel of land lying in Section [10](#), Township [37](#) South, Range [35](#) East, Okeechobee County, Florida being more particularly described as follows: Commence at the Southwest corner of said Section [10](#), thence proceed North 89°32'54" East along the South line of said Section [10](#), also being the South line of that parcel of land described in ORB 315, Page 746, of the Public Records of Okeechobee County, Florida, a distance of 448.36 Feet to the Southeast corner of that parcel of land described in ORB 315, Page 746, and the point of beginning. Thence departing said South line, run North 00°00'07" West along the East line of said parcel of land described in ORB 315, Page 746, a distance of 321.60 feet to the Northeast corner of said parcel of land; Thence departing said East line, run North 89°59'53" East, perpendicular to the preceding course, a distance of 374.51 feet to a point on the West line of the Taylor Creek permanent easement as described in ORB 49, Page 223, of the Public Records of Okeechobee County, Florida; Thence run South 31°40'29" West along said West line of the permanent easement, a distance of 289.01 feet to the beginning of a curve to the left in said West line, said curve being concave to the Southeast, having a radius of 410.00 feet and a central angle of 11°32'39"; Thence Southerly along the arc of said curve and continuing along said West line of the Taylor Creek permanent easement, a distance of 82.61 feet to the intersection with the aforesaid South line of Section [10](#); Thence departing said West line of the Taylor Creek easement, run South 89°32'54" West along said South line of Section [910](#), a distance of 186.72 feet to the point of beginning and consisting of approximately 2.04 acres; Together with North Parcel (2 of 2) A parcel of land lying in Section [10](#), Township [37](#) South, Range [35](#) East, Okeechobee County, Florida being more particularly described as follows: Commence at the Southwest corner of said Section [10](#), thence proceed North 89°32'54" East along the South line of said Section [10](#), also being the South line of that parcel of land described in ORB 315, Page 746, of the Public Records of Okeechobee County, Florida, a distance of 448.36 feet to the Southeast corner of said lands described in ORB 315, Page 746; Thence departing said South line, run North 00°00' 07" West, a distance of 321.60 feet to the Northeast corner of said lands described in ORB 315, Page 746, also being the Southeast corner of lands described in ORB 219, Page 593 Northwest corner of said lands described in ORB 524, Page 180, all per the Public Records of Okeechobee County, Florida, also being the point of beginning of this description; Thence continue North 00°00'07" West, running along the East line of said lands described in ORB 219, Page 593, a distance of 280.17 feet; Thence departing said East line, run North 89°59'53" East, perpendicular to the preceding course, a distance of 547.38 feet to a point on the West line of the Taylor Creek permanent easement as described in ORB 49, Page 223, of the Public Records of Okeechobee County, Florida; Thence run South 31°40' 29" West, along said West line of the permanent easement, a distance of 329.21 feet to the Northeast corner of the aforesaid lands described in ORB 524, Page 180; Thence departing said West line of the Taylor Creek easement, run South 89°59' 53" West, along the North line of said lands described in ORB 524, Page 180, a distance of 374.51 feet to the point of beginning and consisting of approximately 2.97 acres. Adopted on May 19, 2015 by Ordinance No. 1120 recorded in ORB 760, Pages 928-931, Public Records of Okeechobee County, Florida.

CONSISTING OF APPROXIMATELY 2654.619 ACRES, MORE OR LESS. (TOTAL AREA IN ACREAGE OF THE CITY OF OKEECHOBEE AS HEREIN DESCRIBED AS OF THE DATE OF THE LAST ANNEXATION ON May 19, 2015, SET OUT ABOVE).

§ C-1.4. - Powers.

The City shall have and may exercise all available governmental, corporate, and proprietary powers, allowable under law and the Constitution. Through the adoption of this Charter, it is the intent of the electors of the City to grant to the municipal government established herein the broadest exercise of home rule powers permitted under the Constitution and laws of the State of Florida, as fully and completely as though they were specifically enumerated and incorporated in this Charter.

§ C-1.5 Construction.

This Charter and the powers of the City shall be construed liberally in favor of the City and its authority to conduct municipal business.

ARTICLE 2. - CITY COUNCIL; MAYOR

§ C-2.1. - City Council.

There shall be a City Council (Council) in and for the City. Except as otherwise prescribed herein provided by law, all legislative, Home Rule and police powers of the City shall be vested in the Council, including but not limited to, the setting of policy, approval of budget, determination of tax rates, hiring and firing of the Charter Officers; Police Chief, City Attorney, City Administrator, and the development of community land use policies and regulations. The Council may create and appoint committees including any advisory bodies. The Council shall consist of four (4) members (Member or Council Members) in addition to the Mayor. References in this Charter to the City Council or Council shall include the Mayor unless the context dictates otherwise.

Special meetings may be held at the call of the Mayor or a majority of the Council. Emergency matters may be acted upon without notice when authorized by a majority vote of the entire Council. Unless otherwise specified, all other action of the Council shall be by affirmative vote of the majority of a quorum present. The Council shall establish rules and order of business. A majority of the Council shall constitute a quorum.

Meetings. The Council shall meet regularly at such times and places as the Council may prescribe. The Council shall hold at least ten (10) regular monthly meetings in each calendar year, at such times and places as the Council shall set by resolution. Special meetings may be held on the call of the Mayor or upon the call of three members of the Council with no less than twenty-four (24) hours' notice to each Member and the public. In a case wherein an emergency affecting the public health, safety, welfare or the public peace, a special meeting may be held on the call of the Mayor or upon the call of two members of Council with less than twenty-four (24) hours' notice.

§ C-2.2. - Mayor and Vice Mayor.

- A.** Powers of the Mayor. 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. The Mayor shall preside at meetings of the Council, be a voting member of the Council, and may create and appoint committees in consultation with the Council. In addition, the Mayor shall ensure 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.** In addition to the regular powers invested in any other Council member, the Mayor shall have the power to declare an emergency situation, and other related emergency declarations.
- C.** The Mayor shall have no other powers and duties beyond those conferred by this charter or by the Council in accordance with the provisions of this charter.
- D.** The term of office of any elected official will commence on first (1st) Monday in January following the General Election and continue until their successor is qualified and elected for a period of four (4) years.
- E.** 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 30th 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 (1) of its members as Vice-Mayor.
- F.** In the absence or disability of both the Mayor and Vice-Mayor, the Council designate one of their number to act temporarily in the capacity of the Mayor.

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

Election and Term of Office. Each Council Member and the Mayor shall be elected at-large for four (4) year terms by the electors of the City in the manner provided in Article 5 herein.

§ C-2.4. - Qualifications.

Candidates for Council 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. By ordinance, the Council may establish in lieu of a fee option for candidates to qualify. Only electors of the City who have resided continuously in the City for at least one (1) year preceding the date of such filing shall be eligible to hold the Office of Council Member. Candidates for Council 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 Office of Council Member. The Council may establish additional specific residency requirements by Ordinance.

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

A. Vacancies. The Office of a Council Member 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.

- 1) Forfeiture by disqualification. A Council Member shall forfeit their office if at any time during their term they fail to maintain permanent residence in the City, or otherwise ceases to be a qualified elector of the Council.
- 2) Forfeiture by absence. A Council Member shall be subject to forfeiture of their office, in the discretion of the remaining Council Members, if he/she is absent with good cause from any five (5) regular meetings of the Council during any calendar year, or if he/she absent without good cause from any four (4), or three (3) as to the Mayor, consecutive regular meetings of the Council during the same calendar year.
- 3) Procedures. The 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 Council. A 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 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, or other means deemed acceptable by resolution, in the City at least one (1) week in advance of the hearing. Any final determination by the Council in this regard shall be made by resolution. All votes and other acts of the 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 Council shall be filled as follows:

- 1) If the Mayor's position becomes vacant, and more than three (3) months remain in the unexpired term of the Mayor, the vacancy shall be filled by Council.
- 2) Filling of vacancies in elective offices; procedures. Should any vacancy occur at any time in any elective office of the City, whether by death, resignation, forfeiture, removal or otherwise, said elective office shall be promptly filled by the appointment of a person who qualifies for a City office, by a majority vote of the Council. Said appointee shall hold the office for that period of time remaining in the office to which he/she is appointed, and until he/she is then elected in a general election, or their successor in office is duly elected and qualified.
- 3) Procedures to make appointment. Upon being notified of such vacancy, the Mayor or his designee, shall instruct the City Clerk to publish a notice of vacancy in a newspaper of general circulation, with directions and date to apply for the position. The City Clerk shall create an application packet, with a specified deadline, for qualified electors of the City, interested in being considered for appointment to the

elected office and to compile same for distribution to the Council. The Council shall fill the vacancy, by majority vote, at a duly advertised Council meeting within sixty (60) days of the notice being published.

- 4) Person's filling vacancies shall meet the qualifications specified in Section 2.4 of herein. The Council may prescribe by ordinance additional requirements to qualify.
- 4) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the 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.
- 5) Notwithstanding any quorum requirements established herein, if at any time the full membership of the 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 Section C herein.
- 6) In the event that all Members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor of the State of Florida shall appoint interim Council Members who shall call a special election within not less than thirty (30) days or more than sixty (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 (6) months remaining in any of the unexpired terms, such interim 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 herein.

§ C-2.6. - Compensation; Reimbursement for Expenses.

Council Members (including the Mayor) shall receive compensation on a monthly basis. Compensation, as established by Ordinance, shall be increased in accordance with the U.S. Consumer Price Index. Further, the 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 10 percent (10%) 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.

ARTICLE 3. - ADMINISTRATIVE

§ C-3.1. - City Administrator.

There shall be a City Administrator (the "Administrator") who shall be nominated by any Council Member and confirmed at a duly noticed Council meeting by a majority of the Council. The Administrator shall be retained for an employment contract with specified conditions and terms, including but not limited to compensation and benefits, as set by the Council. 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 Council for the administration of all City affairs, as outlined herein and in ordinances. The Administrator shall be responsible for the administration of all departments and divisions of the City government, and for carrying out policies adopted by the Council.

- A. No Council Member shall be eligible for appointment as City Administrator during the term for which he/she has been elected and until two (2) years after its expiration.
- B. Removal. The Administrator may be suspended or removed from office upon the vote of the majority of the total membership of the Council, which shall set forth the reasons for suspension or removal. The Administrator shall continue to receive full compensation until the effective date of a final resolution of removal, unless otherwise determined by the Council. Notwithstanding anything herein, the Administrator may

be removed from office with or without cause. Upon removal from office, the Council may appoint an Interim or Acting Administrator until such time as a permanent replacement is appointed by Council.

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

The Administrator shall:

- A.** Be responsible for management and oversight of all City departments, and offices therein, as specified by ordinance, except for the City Attorney, the Police Chief, Police Department staff, City Clerk, and City Clerk Department staff.
- B.** Direct and supervise the administration of all departments and offices, but not Council appointed committees, boards, or agencies, unless as may directed by the Council from time to time.
- C.** Attend all Council meetings and have the right to take part in discussion but not the right to vote.
- D.** Ensure that all laws, provisions of this Charter, ordinances, and acts of the Council, subject to enforcement and/or administration by the Administrator, or by City personnel subject to his/her supervision, are faithfully executed.
- E.** Prepare and submit to the Council a proposed annual budget and capital improvement projects program.
- F.** Submit to the Council, and make available to the public, an annual report on the finances, budget, and administrative activities of the City as of the end of each fiscal year, or as may otherwise be directed by the Council.
- G.** Prepare such other reports as the Council may require concerning the operations of City departments, offices, boards, and agencies.
- H.** Keep the Council fully advised as to the financial conditions and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he/she deems to be in the best interest of the City.
- I.** Perform such other duties as are specified in this Charter or as may be required by the Council or ordinance.

§ C-3.3. - Acting City Administrator.

To perform his/her duties during his/her temporary absence, disability, the Administrator may designate, upon prior notice to 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 Council, may revoke such designation at any time and appoint another officer of the City to serve until the Administrator shall return, or when his/her disability shall cease. The Acting City Administrator may be paid or otherwise compensated at the discretion of the Council.

§ C-3.4. – Bond of City Administrator.

The Administrator shall furnish a fidelity bond or such other insurance instrument of comparable protection to be approved by the Council, and in such amount as the 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.

The Clerk shall give notice of 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 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 may serve as the City Supervisor of Elections as may be determined by the Council. The City Clerk shall maintain a City Code of Ordinances and administrative policies and regulations.

§ C-3.6. - City Attorney.

The Council shall nominate and confirm an individual attorney, or a law firm, to act as the City Attorney under such contract terms and conditions as may be established by the

Council, from time to time, consistent with this Charter. The City Attorney shall report to the Council and, after full consideration, may only be removed by a majority vote of the total membership of the Council. The City Attorney shall attend all 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 Council. The City Attorney shall keep the Council fully advised as to the legal affairs as well as related future needs of the City and make such recommendations to the Council concerning the affairs of the City as he/she deems to be in the best interest of the City. The City Attorney shall be the chief legal officer of the City and is responsible for providing or supervising all legal counsel to City boards, advisory committees, and the like.

§ C-3.7. – Police Chief.

The Council shall nominate and confirm an individual to serve as City Police Chief. The Police Chief shall oversee all Police Department operations. The Chief or one of his/her officers shall attend all City Council meetings and act as a sergeant at arms. The Police Department shall be responsible for promoting the public safety of all residents of the City through police protection. The Department shall comply with all applicable federal, state, and local police safety standards and procedures, maintain all required licenses and certifications, and enforce all applicable federal, state, and local laws and providing for the protection of all City residents.

§ C-3.8. – City Code of Administrative Regulations.

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

§ C-3.9. - Expenditure of City Funds.

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

§ C-3.10. - City Boards and Agencies.

The Council shall establish or terminate 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 Council; however, the City Administrator or City Clerk, as appropriate, shall provide the administrative support to such Council-appointed committees, boards, and agencies, as determined by the Council.

§ C-3.11. - 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, as may be required by ordinance. The Council shall have the power, in its sole and absolute discretion, to reject all bids and advertise again. Notwithstanding anything herein, in those circumstances, based on the written recommendation of the Administrator or City Attorney, and determined by a majority vote of the Council, that expedited actions are needed for the protection of the public health, safety or welfare, or which are impracticable or otherwise not advantageous to the City to do so, contracts for purchases of supplies, materials or services may be awarded without competitive bids, or as may otherwise be authorized by law or executive order.
- B.** The 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 Administrator or Finance Director 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.

ARTICLE 4. – LEGISLATIVE

§ C-4.1. – Council Meeting Procedures.

- A.** Meetings. The Council shall hold at least ten (10) regular monthly meetings in each calendar year, at such times and places as the Council may prescribe.

- B. Rules of Procedure and Order.** The Mayor, with the advice and consent of the Council Members, shall determine rules of procedure and order of business for any and all public meetings, workshops, or other such proceedings.
- C. Quorum and Voting.** Voting on ordinances shall be by roll call on final reading and shall be recorded. All other matters shall be by voice vote unless a Council Member or the City Clerk requests otherwise. No ordinance, except as otherwise provided in the Charter, shall be valid or binding unless adopted by the affirmative votes of at least three (3) Council Members. Council Member participation, and/or establishment of a quorum, by “communications media technology” is acceptable if allowable under pertinent state law or emergency order of the Governor.

§ C-4.2. - Prohibitions.

- A. Appointment and Removal.** Neither the Council, nor any of its Members, shall in any manner dictate the appointment or removal of any City officers or employees whom the Administrator or any of his/her subordinates are empowered to employ or appoint.
- B. Interference with Administration.** It is the intent of this Charter that recommendations for improvement in City government operations by individual Council Members be made to and through the City Administrator, or at duly noticed Council meetings.
- C. Holding Other Office.** In addition to that prescribed by law, no elected City official, with the exception of a duly elected City Clerk, shall hold any appointive City office or City employment while in office. No former elected City official shall hold any compensated City employment until at least one (1) year after the expiration of his/her term.

§ C-4.3. - Ordinances.

- A. Actions Requiring an Ordinance.** In addition to other acts required by law or by specific provision of this Charter to be affected or authorized by ordinance, those acts of the Council shall be by ordinance which:
 - 1) Adopt or amend an administrative regulation or establish, alter or abolish any City office, department, board or agency;
 - 2) Establish a rule or regulation the violation of which carries a penalty or other penal measures;
 - 3) Levy taxes or appropriate funds;
 - 4) Grant, renew or extend a franchise;
 - 5) Set service or user charges for municipal services or grant administrative authority to set such charges;
 - 6) Authorize the borrowing of money;
 - 7) Convey or lease or authorize by administrative action the conveyance or lease of any lands of the City; or
 - 8) Amend or repeal any ordinance previously adopted, except as otherwise provided in this Charter.
- B. Procedure.** The Council may adopt procedures with respect to the passage of ordinances in accordance with applicable law.

§ C-4.4. - Emergency Ordinances.

To meet a public emergency affecting the public health, safety or welfare, or the public peace, the Council may adopt, in the manner provided in this Section, one or more emergency ordinances, but such ordinances may not: levy taxes, grant, renew or extend any municipal franchise; set service or user charges for any municipal services; or authorize the borrowing of money except as provided under the emergency appropriations provisions of this Charter if applicable.

- A. Form.** An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an

emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.

- B. Procedure.** An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than a quorum majority of the Council. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.
- C. Effective Date.** An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.
- D. Repeal.** Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the sixty-first (61st) day following its effective date, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same specified in this Section for adoption of emergency ordinances.
- E. Emergency Appropriations.** The Council may make emergency appropriations in the manner provided in this Section. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted. All emergency appropriations shall be subject to the independent audit set forth in Section 4.10 herein.

§ C-4.5. - Annual Budget Adoption.

- A. Balanced Budget.** Each annual budget adopted by the Council shall be a balanced budget.
- B. Budget Adoption.** The Council shall by ordinance adopt the annual budget on or before the thirtieth (30th) day of September of each year. If it fails to adopt the annual budget by this date, the Council may by resolution direct that the amounts appropriated for current operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year for a period of fifteen (15) days and renewed by resolution each fifteen (15) days, with all items in it prorated accordingly, until such time as the Council adopts an annual budget for the ensuing fiscal year. An ordinance adopting an annual budget shall constitute appropriation of the amounts specified therein.
- C. Specific Appropriation.** The budget shall be specific as to the nature of each category of appropriations therein. Reasonable appropriations may be made for contingencies, but only within defined spending categories.

§ C-4.6. - Fiscal Year.

The fiscal year of the City government shall begin on the first (1st) day of October and shall end on the last day of September of the following calendar year. Such fiscal year shall also constitute the annual budget and accounting year.

§ C-4.7. - Appropriation Amendments or Budget Amendments during the Fiscal Year.

- A. Supplemental Appropriations or budget amendments.** If, during any fiscal year, revenues in excess of those estimated in the annual budget are available for appropriation, the City Council may make supplemental appropriations for the fiscal year up to the amount of such excess.
- B. Reduction of Appropriations.** If, at any time during the fiscal year, it appears probable to the Administrator that the revenues available will be insufficient to meet the amount appropriated, he/she shall report in writing to the City Council without delay, indicating the estimated amount of the deficit, and his/her recommendations as to the remedial action to be taken, The Council shall then take such action as it deems appropriate to prevent any deficit spending.

§ C-4.8. - Authentication, Recording and Disposition of Ordinances; Resolutions and Charter Amendments.

- A. Authentication.** The Mayor and the Clerk shall authenticate by their signature all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate. Ordinances must be approved as to legal form by the City Attorney.
- B. Recording.** The Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Council. Ordinances shall, at the direction of the Council, be periodically codified. The Clerk shall also maintain the City Charter in current form and shall enter all Charter amendments.
- C. Record Availability.** The Council shall establish procedures for making all resolutions, ordinances, policies, or Codes adopted by reference, and this Charter, accessible to the people of the City on the City's website and other electronic means deemed appropriate, and shall otherwise be available for public inspection, or for purchase at a reasonable price.

§ C-4.9. - Annual Tax Levy.

The City shall have the right to levy, assess and collect all such taxes as are permitted by law, including without limitation ad valorem, excise, franchise or privilege taxes on services and utilities.

§ C-4.10. - Independent Audit.

The Council shall provide for an annual independent audit of all City accounts and may provide more frequent audits as it deems necessary. Those audits shall be made in accordance with generally accepted auditing standards by a certified public accountant or firm of such accountants (hereinafter referred to as the "auditors"), designated annually, who have no personal interest in the fiscal affairs of the City government or any of its officers. A summary of the results, including any deficiencies found, shall be made public. In making such audit, proprietary functions shall be audited separately and adequate depreciation on proprietary facilities shall be accrued so the public may determine the amount of any direct or any indirect subsidy. If a designated auditor has conducted the annual independent audit of the City for a period of five (5) consecutive years, the Council shall review, either through the appointment of a citizen's committee, an individual, or other certified public accountant or firm of such accounts, the adequacy of the auditors' performance.

ARTICLE 5. - ELECTIONS

§ C-5.1. - Elections.

- A. Electors.** Any person, who is a resident of the City, has qualified as an elector of the State and registers to vote in the manner prescribed by law shall be an elector of the City.
- B. Nonpartisan Elections.** All elections for the Council/City Clerk positions shall be conducted on a non-partisan basis and no ballot shall show the party designation of any candidate in accordance with the applicable provisions of the State of Florida Elections Code as codified in Florida Statutes, as may be amended from time to time.
- C. Election Dates.** The City's general election shall be held in even-numbered years on the first Tuesday after the first Monday in November. In the event an election date falls on a religious holiday, the Council may, by ordinance, change the dates for qualifying and for the election. The terms of the sitting officials shall be extended as necessary to accomplish the election date revision made pursuant to this Section in accordance with Section 2.3 herein.
- D. General Election.** The ballot for the general election shall contain the names of all qualified candidates for each of the Council/City Clerk positions which are to be filled as a result of members' terms expiring. The Candidates running for office with the highest number of votes shall be duly elected.
- E. Run-off Election.** The procedure and process set forth in the State of Florida Elections Code, as codified in Florida Statutes, and as may be amended from time to time, concerning a runoff election shall apply.

- F. Special Elections. Special elections, when required, shall be scheduled by the Council at such times and in such manner as shall be consistent with this Charter, in accordance with the State of Florida Elections Code as codified in Florida Statutes, as may be amended from time to time.
- G. Single Candidates for Council/City Clerk. No election for the Council/City Clerk office, shall be required in any election if there is only one duly qualified candidate. That candidate shall be considered elected automatically in accordance with any pertinent process and timetable in law or Charter.
- H. Vote by Mail. Vote by Mail voting will be permitted as provided by the laws of the State and under such conditions as may be prescribed by ordinance from time to time.
- I. Commencement of Terms. The term of office of any elected official will commence on the first Monday in January, following the General Election and continue until his/her successor is qualified and elected for a period of four (4) years.
- J. Chief Elections Officer. The City Clerk is hereby designated as the Chief Elections Officer of the City and shall see that all City elections are conducted in a proper and legal manner. Subject to the approval of the Council, the City Clerk may delegate any or all the responsibilities for administering elections to the Okeechobee County Supervisor of Elections.
- K. Straw Ballot. City Council may, by ordinance, call a special election with a purpose of having the electors of the City vote on an issue in a nonbinding referendum. The ordinance shall call the election, set the date therefor, and prescribe the ballot language. The City Clerk shall cause a notice of election to be published in accordance with state law. The election may be held in conjunction with a regularly scheduled City election or at such other time as provided by Council.
- L. Applicable law. To the extent not addressed herein or not inconsistent with the provisions herein, the State of Florida Elections Code, as codified in Florida Statutes, as may be amended from time to time, shall apply to Article 5 herein.

§ C-5.2. – Initiative and Referendum.

The electors of the City shall have the power to propose to the Council the passage or repeal of ordinances and to vote on the question if the Council refuses action. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes or salaries of City officers or employees.

- A. The person proposing to exercise this power shall submit the proposal to the Council which shall approve as to form a petition for circulation in one or several copies as the proposer may desire.
- B. The person or persons circulating the petition shall within sixty (60) days of approval of the form of the petition, obtain the valid signatures of voters in the City in numbers at least equal to 20 percent (20%) of the registered voters in the City on the day on which the petition is approved, according to the official records of the Okeechobee County Elections Supervisor. Each person signing a petition shall place thereon, after their name, the date, and their place of residence. Each person circulating a copy of the petition shall attach to it a sworn affidavit stating the number of signers and the fact that each signature was made in the presence of the circulator of the petition.
- C. The signed petitions shall be filed with the City Clerk who shall immediately forward them to the Okeechobee County Elections Supervisor to determine the sufficiency of the signatures. The petitions shall be accompanied by a cashier's check payable to the Okeechobee County Elections Supervisor in an amount sufficient to pay for a canvass of the petitions in accordance with the applicable Florida Statutes and rules and regulations of the Division of Elections of the State of Florida. If the number of signatures is insufficient or the petition is deficient as to form or compliance with this section, the City Clerk shall notify the person filing the petition that the petition is insufficient and that it has failed.
- D. The Council shall within sixty (60) days after a sufficient petition is presented either:

- 1) Adopt the ordinance as submitted in an initiatory petition or repeal the ordinance referred to by a referendary petition, or
 - 2) Submit the proposal to the electors of the City in impartial and concise language and in such manner as will provide a clear understanding of the proposal.
- E.** If the Council determines to submit the proposal to the electors, the election shall be held on the next scheduled City election. The result shall be determined by a majority vote of the electors voting on the proposal.
- F.** An ordinance proposed by initiatory petition or the repeal of an ordinance by referendary petition shall be effective no later than thirty (30) days after the election, except that:
- 1) Rights accumulated under an ordinance between the time a certified referendary petition against the ordinance is presented to the Council and the repeal of the ordinance by the voters, shall not be enforced against the City, and
 - 2) Should two or more ordinances having conflicting provisions, be adopted at the same election, the one receiving the highest number of votes shall prevail as to those provisions.
- G.** An ordinance adopted by the electorate through initiatory proceedings shall not be amended or repealed by the Council for a period of no less than one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

ARTICLE 6. - CHARTER AMENDMENTS

§ C-6.1. - Procedure to Amend.

The Charter may be amended in accordance with these provisions:

- A.** Initiation by Ordinance. The Council may, by ordinance, propose amendments to this Charter and upon passage of the initiating ordinance shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose, unless such amendments do not require a vote of the electors as prescribed by state law.
- B.** Initiation by Petition. The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner as an ordinance proposed by initiative pursuant to Section 5.2 herein.
- C.** Submission to Electors. Upon certification of the sufficiency of the petition, the Council shall submit the proposed amendment to a vote of the electors at the next general election if such election is scheduled to be held not less than ninety (90) days from the date on which the petition was certified or at a special election called for that purpose. A special election, if necessary, shall be held no more than one hundred and sixty (160) days from the date on which the petition was certified.
- D.** Results of Election. If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

§ C-6.2. - Charter Revision and Review Committee.

At its first regular meeting in December of the tenth (10th) year after the adoption of this Charter, and thereafter every tenth (10th) year commencing thereafter, the Council shall appoint a Charter Review Advisory Commission ("Charter Review Commission") consisting of no less than five (5) persons. Each Council Member shall be entitled to appoint one Charter Revision Commission Member, but that appointee shall be ratified by a majority of the Council. In addition, the Council may appoint by majority vote any additional members to the Charter Review Commission which have submitted an application following public notice of such appointments. The Charter Review

Commission shall commence its proceedings within forty-five (45) days after appointment by the Council. If the Charter Review Commission shall make recommendations to Council, and shall determine if a Charter revision is needed, it shall draft such amendments to this Charter as it deems appropriate and submit the same to the Council no later than one (1) year after their appointment by the Council. Notwithstanding any other provision in this Charter, the Charter Review Commission shall select the Chairperson of the Charter Review Commission.

ARTICLE 7. - GENERAL PROVISIONS

§ C-7.1. - Severability.

If any section or part of a section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter or the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

§ C-7.2. - Conflicts of Interest; Ethical Standards.

The Council, officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by state law. In addition, the Council may, by ordinance, establish a Code of Ethics for Council, officials and employees of the City which may be supplemental to law, but in no case may such an ordinance diminish the provisions of this Section or of general law.

The State of Florida Code of Ethics, as codified in state law, shall apply to Council Members. Notwithstanding the foregoing, no member of the Council who possesses such a financial interest shall vote on, or participate in the Council deliberations concerning, any such contract or sale. Any violation of this section, with the knowledge of the person or entity contracting with the City, may render the contract null and void.

§ C-7.3. - City Personnel System.

All employments, appointments and promotions of City officers and employees shall be made pursuant to personnel policies and procedures to be established by the Administrator or City Clerk, as approved by Council, from time to time.

§ C-7.4. - Variation of Pronouns.

All pronouns and any variation thereof used in this Charter shall be deemed to refer to masculine, feminine, neutral, singular, or plural as the identity of the person or persons shall require and are not intended to describe, interpret, define or limit the scope, extent, or intent of this Charter.

§ C-7.5. - Charitable Contributions.

The City shall not make any charitable contributions to any person or entity except if such contribution is approved by the affirmative votes of at least four (4) City Council Members.

§ C-7.6. - Precedence over Related Laws.

In case of a conflict between the provisions of this Charter and the provisions of the Code of Ordinances to be adopted pursuant thereto, the Charter terms shall control. Moreover, nothing in this Charter shall be construed to alter, abolish, affect, or amend the general laws of the State of Florida, now in force, or which hereinafter may be enacted relative to or affecting this City.

§ C-7.7. - Discrimination Policy.

The City shall not adopt any measure or policy or otherwise discriminate against any person due to age, race, religion, color, national origin, physical or mental disability, creed, sexual preference or gender identification.

§ C-7.8. - Effect of This Charter.

All laws and parts of laws relating to or affecting the City which are in full force and effect when this Charter shall take effect are hereby repealed and superseded to the extent that the same are inconsistent with the provisions of this Charter but, insofar as the provisions of this Charter are the same in terms or in substance and effect as provisions of law which are in full force and effect when this Charter shall take effect relating to or affecting the City, the provisions of this Charter are intended to be not a new enactment but a continuation of such provisions of law, and this Charter shall be so construed and applied.

ARTICLE 8. - TRANSITION PROVISIONS.

§ C-8.1. - Interim Adoption of Codes, Ordinances and Resolutions.

Until otherwise modified or replaced by this Charter, or if inconsistent with the Articles herein, all ordinances and resolutions in effect on the date of adoption of this Charter shall, to the extent applicable and/or necessary to the City, remain in full force and effect as municipal ordinances and resolutions of the City, unless and until repealed or modified by the Council.

City of Okeechobee

CHARTER REVISION CERTIFICATION

Section C-6.1 (A) of the Charter of the City of Okeechobee provides that the City Council may, by ordinance, propose amendments to the Charter subject to approval by the electorate at the next general election or at a special election called for such purpose. Article 6 of the City Charter provides that manner in which Charter amendments shall be proposed. An Election was held on **November 8, 2022**, and in accordance with the majority vote and official election results, the City Charter shall be amended in accordance with the terms of Ordinance No. 1253.

Ordinance No. 1253 was adopted on **May 17, 2022**, accepting the results of the **November 8, 2022, General Election**.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John J. Fumero, City Attorney