



**CITY OF OKEECHOBEE**  
**CITIZEN CHARTER REVIEW ADVISORY COMMITTEE**  
**MAY 13, 2021**  
**LIST OF EXHIBITS**

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Draft Minutes

April 22, 2021

Exhibit 1	Article 5, Sections C-5.2 and C-5.3 of Model City Charter
Exhibit 2	Article 6 of Model City Charter
Exhibit 3	Article 7 of Model City Charter
Exhibit 4	Article 8 of Model City Charter



**CITY OF OKEECHOBEE  
CITIZENS CHARTER REVIEW ADVISORY COMMITTEE  
APRIL 22, 2021  
OFFICIAL MINUTES**

**I. CALL TO ORDER**

Chairperson Ritter called the regular meeting of the Citizens Charter Review Advisory Committee (CCRAC) for the City of Okeechobee to order on Thursday, April 22, 2021, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3<sup>rd</sup> Avenue, Room 200, Okeechobee, Florida. The invocation was given by Member Chandler, followed by the Pledge of Allegiance.

**II. ATTENDANCE**

The following CCRAC Members were present: Noel Chandler, Sandy Perry, Cary Pigman, Gary Ritter, Miranda Whirls and Hoot Worley (entered the Chambers at 6:18 PM). City Attorney John Fumero, Executive Assistant Robin Brock and General Services Coordinator Patty Burnette were present as well. Members Suzanne Bowen, Jamie Gamiotea and Jeremy LaRue as well as Ex officio Members Marcos Montes De Oca and Wes Abney were absent.

**III. AGENDA AND PUBLIC COMMENTS**

- A. Motion by Member Chandler, seconded by Member Pigman to adopt the agenda as presented. **Motion Carried Unanimously.**
- B. There were no comment cards submitted for public participation for any issues not on the agenda.

**IV. MINUTES**

- A. Motion by Member Chandler, seconded by Member Pigman to dispense with the reading and approve the March 25, 2021 and April 8, 2021, Regular Meeting minutes. **Motion Carried Unanimously.**

**V. NEW BUSINESS**

- A. Prior to the Members discussing Article 4 of the Model City Charter prepared by Attorney Fumero, Chairperson Ritter mentioned the discussion regarding who would be responsible for the management and oversight of the City Clerk's Department employees would not be discussed this evening as City Clerk Gamiotea could not be present. The Committee would revisit at another meeting. The Members began with C-4.1. Consensus was to strike from (c) the sentence that says a majority of the Council physically present shall constitute a quorum. In addition, to include a reference to remote participation and quorums. Committee agreed with C-4.2, 4.3, 4.4, 4.5, 4.6, and 4.7. Add under C-4.8 (c) language that says copies of the procedures for making all resolutions, ordinances, technical codes, and this charter will be available on the City's website as well as requesting a physical copy. Committee agreed with C-4.9. Revise the last sentence in this paragraph to reflect a review by the Council periodically but not longer than five years.

## **V. NEW BUSINESS ITEMS CONTINUED**

- B.** Members discussed in detail Article 5 of the Model City Charter prepared by Attorney Fumero. C-5.1 (b) finish the incomplete sentence. (f) add as referenced by the State Elections Code. (g) Amend sentence to reflect single candidates for City Council, City Clerk or any one single seat. (i) reflect the term of office to commence on the first meeting in January instead of the first Monday. After much discussion and due to many questions regarding the procedures and processes outlined in the model for C-5.2, Attorney Fumero will do some additional research of other City's models and bring back to the next meeting.
- C.** Next agenda items will be to revisit C-5.2, which addresses referendums in Article 5 of the Model City Charter and discuss Article 6.

## **VI. ADJOURN MEETING**

Chairperson Ritter adjourned the meeting at 7:47 P.M.

Submitted by:

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

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

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

**05/07/2021 ARTICLE 5 ELECTIONS - DRAFT –  
FOR DISCUSSION PURPOSES ONLY**

**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 to as necessary to accomplish the election date revision made pursuant to this Section in accordance with Section 2.3 of the Charter.
- (d) General Election. The ballot for the general election shall contain the names of all qualified candidates for each of the City 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 City Clerk or City Council. No election for the City Clerk seat, or any one Council seat, 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 duly noticed Council meeting 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 City council, the City Clerk may delegate any or all the responsibilities for administering elections to the Okeechobee County Supervisor of Elections.

**05/07/2021 ARTICLE 5 ELECTIONS - DRAFT –  
FOR DISCUSSION PURPOSES ONLY**

- (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 of the City Charter.

§ 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 Commission 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 twenty (20) percent 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 cashiers 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 thirty (30) 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.

**05/07/2021 ARTICLE 5 ELECTIONS - DRAFT –  
FOR DISCUSSION PURPOSES ONLY**

(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 one (1) year after the election at which it was adopted, but thereafter it may be amended or repealed like any other ordinance.

**DRAFT 05072021 ARTICLE 6 CHARTER AMENDMENTS –  
FOR DISCUSSION PURPOSES ONLY**

**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 City 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.
- (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.
- (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 sixty (60) days or more than one hundred and twenty (120) 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 not less than sixty (60) days or more than one hundred and twenty (120) 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. - Form of Ballot.**

Any Charter amendment ballot issue to be voted on by the electors shall be presented on the ballot in the form required by Section 5.3 of this Charter.

**§ 6.3. - Charter Revision and Review Committee.**

At its first regular meeting in December of the tenth year after the adoption of this Charter, and thereafter every tenth (10) year commencing thereafter, the Council shall appoint a Charter Review Advisory Commission ("Charter Review Commission") consisting of no less than five (5) persons. The Mayor shall appoint one Charter Review Commission member and that appointee shall be ratified by a majority of the City Council. Each City Council Member shall be entitled to appoint one Charter Revision Commission member but that appointee shall be ratified by a majority of the City Council. In addition, the Council may appoint by majority vote any additional members of the charter review commission. 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 year after their appointment

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by the Council. Notwithstanding any other provision in this Charter, the Charter Review Commission shall select the Chairperson of the Charter Review Commission.



# **05/07/2021 DRAFT - ARTICLE 7 GENERAL PROVISIONS**

## **FOR DISCUSSION PURPOSES ONLY**

### **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.

Without in any way limiting the generality of the foregoing, no Council Members shall have a financial interest, direct or indirect, or by reason of ownership of stock or other equity ownership in any corporation or entity, in any contract or in the sale to the City or to a contractor supplying the City of any land or rights or interests in any land, material supplies, or services unless, after full disclosure to the Council of the nature and extent of such interest, the same is authorized by the Council before the event. 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 new employments, appointments and promotions of City officers and employees shall be made pursuant to personnel procedures to be established by the Administrator or City Clerk 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 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, except where such laws are in direct conflict in which case the provisions of the general laws of this State shall supersede and be in full force and effect.

**§ 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 orientation or gender.

**§ 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.

**JJF 02/05/2021 DRAFT- ARTICLE 8 TRANSITION –**  
**FOR DISCUSSION PURPOSES ONLY**

**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 provisions and Articles herein, all Codes, ordinances and resolutions in effect on the date of adoption of this Charter shall, to the extent applicable to the City, remain in full force and effect as municipal Codes, ordinances and resolutions of the City.

**City of Okeechobee**

**CHARTER REVISION CERTIFICATION**

Section 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. Section 6.1 of the City Charter provides the manner in which Charter amendments shall be proposed. A Special Election was held on [INSERT DATE], and in accordance with the majority vote and official election results the City Charter must be amended in accordance with the terms of Ordinance No. XXXX-XXX.

Ordinance No. XXXX - XXX was adopted on \_\_\_\_\_ 2021 accepting the results of the \_\_\_\_\_ 2022 Special Election.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

John J. Fumero, City Attorney