



**CITY OF OKEECHOBEE  
CITIZEN CHARTER REVIEW  
ADVISORY COMMITTEE  
APRIL 22, 2021  
LIST OF EXHIBITS**

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Draft Minutes            March 25, 2021 and April 8, 2021

Exhibit 1                    Article 4 of Model City Charter  
Exhibit 2                    Article 5 of Model City Charter









**CITY OF OKEECHOBEE**  
**CITIZENS CHARTER REVIEW ADVISORY COMMITTEE**  
**APRIL 8, 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 8, 2021, at 6:01 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 Worley, followed by the Pledge of Allegiance.

**II. ATTENDANCE**

The following CCRAC Members were present: Jamie Gamiotea, Jeremy LaRue (entered Chambers at 6:31 P.M.), Cary Pigman, Gary Ritter, Myranda Whirls and Hoot Worley. Ex officio Members Marcos Montes De Oca and Wes Abney were present as well as City Attorney John Fumero, and General Services Coordinator Patty Burnette. Members Noel Chandler and Sandy Perry as well as Executive Assistant Robin Brock were absent and Member Suzanne Bowen was present via phone.

**III. AGENDA AND PUBLIC COMMENTS**

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

**IV. MINUTES**

- A. Motion by Member Gamiotea, seconded by Member Worley to defer the approval of the March 25, 2021, Regular Meeting minutes until the next meeting. **Motion Carried Unanimously.**

**V. NEW BUSINESS**

- A. Members continued their discussion on Article 3 of the Model City Charter prepared by Attorney Fumero by revisiting C-3.2 (1) which was discussed in detail at the previous meeting. Consensus at the last meeting was the Administrator would be responsible for all City employees except for the police department, the Chief of Police, and the City Attorney. In addition, have the position of City Clerk be an elected position. A lengthy discussion ensued around whether the City Administrator should be responsible for the appointment, supervision and removal of all city employees including the Clerk's Department. A motion was made by Member Pigman, seconded by Member Whirl to have C-3.2 (1) amended to the Administrator shall be responsible for the management and oversight of all departments as specified by ordinance except for police department employees, the Chief of Police, and the City Attorney. **Motion was 5 to 2 with Members Gamiotea and Worley voting against as the position of City Attorney was being included.** Chairperson Ritter commented the Committee would discuss who would be responsible for the management and oversight of the City Clerk's Department employees when they reached C-3.5. The Committee agreed with the remaining portion of C-3.2, (2) through (9) and wished to strike (10).

**V. NEW BUSINESS**

ITEM A CONTINUED:C-3.3; amend the first sentence to read, to perform his/her duties during his/her temporary absence, disability, or termination of employment, the Administrator may designate by letter filed with the City Council, a qualified City officer to exercise the powers and duties of Administrator during his/her absence or disability. C-3.4 was fine as presented. In C-3.5 strike the first and last sentences and amend the position of the City Clerk to be an elected position. In addition, add the City Clerk shall serve as the City’s Supervisor of Elections as determined by the City Council. C-3.6, Administrator Montes De Oca suggested adding something that addresses other attorneys that may attend in his/her absence and something specifying attendance at City functions and other meetings of Boards/Committees. The Committee agreed with C-3.7, 3.8 and 3.10. For C-3.9, amend the last sentence to state the advisory committees, boards and agencies shall report directly to the City Council, however, the City Administrator or the City Clerk as appropriate, shall provide the administrative support to such committees, boards, and agencies.

- B.** Due to the lateness of the hour, Article 4 of the Model City Charter will be discussed at the next meeting scheduled for April 22, 2021.
- C.** Next agenda items will be to discuss Article 4 of the Model City Charter and consider items for the next meeting. City Clerk Gamiotea asked to continue discussion regarding whether the employees of the City Clerk’s Office would fall under the City Clerk or the City Administrator at the meeting scheduled for May 13, 2021.

**VI. ADJOURN MEETING**

Chairperson Ritter adjourned the meeting at 8:06 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.

## **04/15/2021 DRAFT- FOR DISCUSSION PURPOSES ONLY**

### **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. A majority of the Council physically present shall constitute a quorum. Council Member participation by “communications media technology” means 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.
- (c) Holding Other Office. In addition to that prescribed by law, no elected City official 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 is introduced and shall be enacted by no less than three members 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 (61<sup>st</sup>) 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



## **04/15/2021 DRAFT- FOR DISCUSSION PURPOSES ONLY**

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 below.

### § 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 (30<sup>th</sup>) 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 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 by ordinance 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 estimate amount of the deficit, and his/her recommendations as to the remedial action to be taken, The City 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.
- (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, by ordinance, establish procedures for making all resolutions, ordinances, technical Codes adopted by reference, and this Charter available to the people of the City for public inspection and available 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 propriety 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 three 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 , in accordance with 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. No election for the City Clerk seat shall be required in any election if there is only one duly qualified candidate. That candidate shall be considered elected automatically.
- (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 until their 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.
- (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 city 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. - Referendum. Referendum. The electors of the City shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject such adopted ordinance at a City election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes or setting salaries of City officers or employees, pursuant to such annual budget.

- (a) Commencement of Proceedings. Any fifty (50) electors may commence initiative or referendum proceedings by filing with the Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioners' committee is filed, the Clerk shall at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense. Petitioners' proposed ordinance shall be approved as to legal sufficiency by the City Attorney prior to circulation.

(b) Petitions.

- i) Number of Signatures. Initiative and referendum petitions must be signed by electors of the City equal in number to at least twenty percent (20%) of the total number of electors registered to vote at the last regular City election.
- ii) Form and Content. All papers constituting a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name of signatory and the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- iii) Affidavit of Circulator. Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that s/he personally circulated the papers constituting the petition, the number of signatures thereon, that all the signatures were affixed in his/her presence that s/he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

- iv) Filing Deadline. All initiative and referendum petitions must be filed within sixty (60) days of the date on which proceedings with respect to such initiative or referendum are commenced.

(c) Procedure for Filing.

- i) Certificate of Clerk: Amendment. Within twenty (20) days after an initiative petition is filed or within five (5) days after a referendum petition is filed, the Clerk shall complete a Certificate as to its sufficiency (the "Certificate") specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the Certificate to the petitioners' committee by registered mail. Grounds for insufficiency are only those specified in subsection (c) of this Section. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) business days after receiving the copy of the Certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such Certificate. Such supplementary petition shall comply with the requirements of paragraphs (I), (H) and (iii) of subsection (c) of this Section, and within five (5) days after it is filed the Clerk shall complete a Certificate as to the sufficiency of the petition as amended and promptly send a copy of such Certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under paragraph (ii) of this subsection (d) within the time required, the Clerk shall promptly present his/her Certificate to the Council and within sixty (60) days the Certificate shall then be a final determination as to the sufficiency of the petition.
- ii) City Council Review. If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) business days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.

(d) Action on Petitions.

- i) Action by City Council. When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance or reconsider the referred ordinance by voting its repeal, all in the manner provided in Article 4. If the Council fails to adopt a proposed initiative ordinance without any change in substance within forty-five (45) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the electors of the City. If the Council fails to act on a proposed initiative ordinance or a referred ordinance within the time period contained in paragraph (i) of subsection (e) of this Section, the Council shall be deemed to have failed to adopt the proposed initiative

ordinance or failed to repeal the referred ordinance on the last day that the Council was authorized to act on such matter.

- ii) Submission to Electors. The vote of the City on a proposed or referred ordinance shall be held not less than thirty (30) or more than sixty (60) days from the date the Council acted or was deemed to have acted pursuant to paragraph (i) of this subsection (e) that the petition was determined sufficient. If no regular election is to be held within the period described in this paragraph, the Council shall provide for a special election, except that the Council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed or referred ordinance shall be made available at the polls.
- iii) Withdrawal of Petitions. An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote by the City by filing with the Clerk a request for withdrawal signed by at least eighteen members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(e) Results of Election.

- i) Initiative. If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. If the proposed initiative ordinance fails, it or any ordinance that is substantially similar, may not be submitted in accordance with this Article for at least a period of one (1) year from the election.
- ii) Referendum. If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

§ C-5.3. - Form of Ballots.

A Charter amendment, ordinance or other ballot issue to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described [amendment/ordinance/proposal] be adopted?" Immediately below such question shall appear, in the following order, the word "YES" and also the word "NO".