

**CITY COMMISSION AGENDA
CITY OF WINTER GARDEN
TANNER HALL
29 W. Garden Avenue**

REGULAR MEETING

July 26, 2007

6:30 P.M.

CALL TO ORDER

Roll Call and Determination of a Quorum
Invocation and Pledge of Allegiance

1. APPROVAL OF MINUTES

Regular Meeting of July 12, 2007

2. FIRST READING OF PROPOSED ORDINANCE

A. **Ordinance 07-39:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 88 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO SITE INSPECTION FEES AND REGULAR WORKING HOURS BY AMENDING THE FOLLOWING SECTIONS THEREOF: 88-8(1) SITE PLAN REVIEW FEES, 88-8(2) PLATTING REVIEW FEES, AND 88-14 ADDITIONAL FEES FOR ROAD, DRAINAGE, WATER, OR WASTEWATER FACILITIES SITE INSPECTION; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE **with the second reading and public hearing being scheduled for August 9, 2007** – Assistant City Engineer Kelley

3. SECOND READING AND PUBLIC HEARING OF PROPOSED ORDINANCES

- A. **Ordinance 07-23:** AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL OF PROPERTY LOCATED AT 13330 WEST COLONIAL DRIVE, 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE, ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Williams
- B. **Ordinance 07-24:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.51 ACRES OF LAND LOCATED AT 13330 WEST COLONIAL DRIVE; 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE, WINTER GARDEN, FLORIDA, ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE – City Planner Williams
- C. **Ordinance 07-25:** AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; SUBMITTING AMENDMENTS TO THE CITY CHARTER TO CITYWIDE REFERENDUM THAT: PROVIDE FOR COMPREHENSIVE REVISION, REORGANIZATION, CONSOLIDATION, MODERNIZATION AND CLARIFICATION OF THE CURRENT CHARTER; PROVIDE FOR THE ELIMINATION, REPLACEMENT OR REVISION OF INEFFECTIVE, PREEMPTED OR OTHERWISE OBSOLETE LANGUAGE; SET 3 YEAR TERMS FOR CITY COMMISSIONERS; PROVIDE NEW OR REVISED PROCEDURES FOR FILLING VACANCIES IN OFFICE, HOLDING REGULAR MEETINGS, CALLING SPECIAL AND EMERGENCY MEETINGS, CONDUCTING AND CANVASSING

ELECTIONS, PRESENTING CITIZEN INITIATIVES AND REFERENDUMS, PASSING ORDINANCES, AND REVISING THE CITY CHARTER; CONSOLIDATE FISCAL PROVISIONS; PRESCRIBE NEW AND REVISED PREREQUISITES AND QUALIFICATIONS FOR COMMISSIONERS QUALIFYING AND HOLDING OFFICE; AND CHANGE THE DUTIES AND METHODS OF APPOINTMENT OF CITY OFFICERS SUCH AS THE CITY MANAGER, CITY CLERK, CHIEF OF POLICE AND CITY ATTORNEY; PROVIDING FOR NOTICE OF AN ADVERTISEMENT FOR THE REFERENDUM TO BE PUBLISHED IN ACCORDANCE WITH THE CURRENT CITY CHARTER, CITY CODE, AND STATE STATUTES; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL SUBMIT THE QUESTION AND AMENDMENTS CONTAINED HEREIN TO THE QUALIFIED ELECTORS OF THE CITY OF WINTER GARDEN AT A MAIL BALLOT SPECIAL ELECTION WHERE SUCH AMENDMENTS SHALL BE INCORPORATED INTO THE CITY CHARTER IF APPROVED; CALLING MAIL BALLOT SPECIAL ELECTION TO BE HELD IN SEPTEMBER 2007; PROVIDING FOR CHARTER AMENDMENT CONFLICTS; PROVIDING FOR CODIFICATION OF ORDINANCE AND ADOPTED CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE - City Attorney Ardaman

- D. **Ordinance 07-26:** AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA MODIFYING THE CITY'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008; PROVIDING FOR A 14-DAY QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE – City Attorney Ardaman

4. **REGULAR BUSINESS**

- A. Request to close a portion of South Park Avenue onto Plant Street to Dillard Street for the West Orange High School Homecoming Parade September 21, 2007 – Daniel Andrews
- B. Request by Sunshine Tools to conduct open-air sales under a temporary tent in the K-Mart Shopping Center, 13373 W. Colonial Drive, from August 21 until September 21, 2007 – Building Official Herbert
- C. Recommendation to approve Oakland Park Phase 1A Right-of-Way Maintenance Agreement – City Planner Williams
- D. Recommendation to approve the final plat for Oakland Park Phase 1A located on the east side of CR 545 north of Oakland Avenue with conditions stated in the Engineering Department's memorandum of July 6, 2007 and the Legal Department's memorandum of July 17, 2007 **AND** approval of the Environmental Contamination Hold Harmless and Indemnity Agreement – City Planner Williams
- E. Recommendation to approve a developer's agreement for Avamar (Avalon Marsh Retail) located on the southwest corner of Marsh Road and CR 545 – City Planner Williams
- F. Recommendation to approve the site plan for SunTrust Bank (Avamar Outparcel B) located at the southwest corner of CR 545 and Marsh Road with the conditions stated in the Engineering Department's memorandum of June 26, 2007 – City Planner Williams
- G. Recommendation to approve the site plan for Exotic Car Transport located at 1207 E. Story Road with conditions stated in the Engineering Department's memorandum of May 18, 2007 – City Planner Williams

- H. Recommendation to approve the site plan for Bethlehem Missionary Baptist Church located at 55 Carter Street with the conditions stated in the Engineering Department's memorandum of June 6, 2007 – City Planner Williams
- I. Recommendation to approve Cost Share Agreement with St. Johns River Water Management District and the City of Winter Garden to provide funding for the Phase I Public Access Reuse Water Storage and Pumping Project (postponed from July 12, 2007) **POSTPONEMENT REQUESTED** - Public Services Director Cochran
- J. Recommendation to establish the budget workshop and public hearing dates for Fiscal Year 2007/2008 – Finance Director Strobeck
- K. [Resolution 07-05](#) ESTABLISHING A COMPREHENSIVE RECORDS MANAGEMENT PROGRAM; ESTABLISHING GOALS AND OBJECTIVES; DEFINING PUBLIC RECORDS; ADOPTING RECORDS SCHEDULES; DESIGNATING A RECORDS MANAGEMENT LIAISON OFFICER; ESTABLISHING A RECORDS ADVISORY COMMITTEE; PRESERVATION OF RECORDS; AND METHOD OF RECORDS DESTRUCTION; PROVIDING FOR AN EFFECTIVE DATE – City Clerk Golden
- L. Recommendation to approve demolishing the old gas building located at 1125 E. Plant Street – City Manager Bollhoefer

5. MATTERS FROM CITIZENS

6. MATTERS FROM CITY ATTORNEY – Kurt Ardaman

7. MATTERS FROM CITY MANAGER – Mike Bollhoefer

- A. Financial Statement for June 2007

8. MATTERS FROM MAYOR AND COMMISSIONERS

9. ADJOURN to a regular City Commission meeting Thursday, August 9, 2007 at 6:30 p.m.

Please Note: In accordance with Florida Statutes 286.0105: Any person who desires to appeal any decision at this meeting will need a record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is based, which such written record is not provided by the City of Winter Garden.

Also, in accordance with Florida Statute 286.26: Persons with disabilities needing assistance to participate in any of these proceedings should contact the Office of the City Clerk, 251 W. Plant Street, Winter Garden, FL 34787, (407) 656-4111 x 2254 48 hours in advance of the meeting.

ORDINANCE # 07-39

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, AMENDING CHAPTER 88 OF THE WINTER GARDEN CODE OF ORDINANCES RELATING TO SITE INSPECTION FEES AND REGULAR WORKING HOURS BY AMENDING THE FOLLOWING SECTIONS THEREOF: 88-8(1) SITE PLAN REVIEW FEES, 88-8(2) PLATTING REVIEW FEES, AND 88-14 ADDITIONAL FEES FOR ROAD, DRAINAGE, WATER, OR WASTEWATER FACILITIES SITE INSPECTION; PROVIDING FOR CODIFICATION, CONFLICT, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Winter Garden desires to amend the City's regulations concerning site inspection fees and regular working hours as it pertains to infrastructure construction within the City; and

WHEREAS, the City Commission finds that the costs, expenses and fees incurred by the City in the review of development related applications and proposals and in the inspection and regulation of development, should be incurred by those responsible for said development and not by the taxpayers in general; and

WHEREAS, the City has the authority to review, inspect and regulate the construction of infrastructure that is installed within the City; and

WHEREAS, substantial costs, fees and expenses are incurred by the City, directly and solely caused by and related to the inspection and regulation of said infrastructure; and

WHEREAS, the City Commission has determined that it is necessary and appropriate to have a portion of the costs, expenses and fees incurred for the review, regulation, and inspection of development related activities borne by those responsible for such.

THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN:

SECTION 1. The City Commission of the City of Winter Garden has the authority to adopt this Ordinance pursuant to Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapter 166, Florida Statutes.

SECTION 2. Chapter 88 of the Winter Garden Code of Ordinances is hereby amended and restated as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions):

Section 88-8. Fee Collection and Schedule.

The Site Plan Review Fees, Platting Review Fees, Zoning Plan Amendments, Other Permits Associated With Development of Property Fees and Advertising Costs, respectively located below in subparagraphs A, B and C, as such may be amended from time to time, establish the Flat Fee for the matters referenced therein, which flat fees in addition to any Review Deposit required pursuant to section 88-3 shall be paid by the applicant to the City upon submittal of any application to the City. The City shall ensure the required flat fee is collected, and, if applicable, the Review Deposit is posted to an account for said application. The City Finance Director or his designee shall also notify the City Manager or appropriate City Staff of the applicant's proof of payment of the flat fee and, if applicable, the posting of the Review Deposit.

Should the City Manager or his designee determine that the required Review Deposit for an Application is inadequate to cover the reasonably anticipated fees, costs and expenses to be required by the City, the City Manager shall direct the City Finance Director or his designee to increase the minimum deposit to the minimum extent necessary to cover such reasonably anticipated fees, costs, and expenses. The Flat Fees are established as follows:

- (1) *Site Plan Review Fees.*
 - a. Communication antenna site plan approval.
 1. New communication tower greater than or equal to 35 feet in total height: \$1,000.00.
 2. New antenna less than 35 feet in total height: \$200.00

3. Alteration of an existing antenna, alteration plus building permits, special exception (if required) and/or variance fees (if required): \$200.00.
 - b. De minimis industrial or commercial site plan review (less than 300 square feet of building or 500 square feet of impervious surface). No flat fee required (considered part of building permit fee).
 - c. Major industrial, commercial, or institutional site plan approval (the addition of greater than 4,000 square feet of building or 5,000 square feet of impervious surface).
 1. Site plan review fee: \$200.00, plus \$20.00 per 1,000 square feet of the total of both building area and impervious surface.
 2. Site inspection fee: An additional fee of ~~one and one-half~~ two and one-quarter (2¼) percent of the cost of the improvements, including, but not limited to, materials, labor, and construction of the site (parking areas, lighting, landscaping, stormwater retention areas, and water and sewer utilities) or \$200.00, whichever is greater, will be collected prior to the time of the issuance of building permits.
 - d. Minor industrial, commercial, or institutional site plan approval (all site plans smaller than a major industrial or commercial site plan review but greater than a de minimis industrial or commercial site plan review). The site plan review fee and inspection fee shall be \$500.00 each.
 - e. Multi-family site plan review.
 1. Site plan review fee: \$300.00, plus ten dollars (\$10.00) per unit.
 2. Site inspection fee: An additional fee of ~~one and one-half~~ two and one-quarter (2¼) percent of the cost of construction of the site improvements (parking areas, lighting, landscaping, stormwater retention areas, and water and sewer utilities) or \$200.00, whichever is greater, will be collected prior to the time of the issuance of building permits.
 - f. Single-family residential. No site plan review fees are required, except for platting fees.
- (2) *Platting Review Fees.*
- a. Preliminary plat review fees. The fee for plans review shall be \$250.00 plus ten dollars per residential lot, five-hundred dollars per nonresidential lot.
 - b. Plat construction plan review. \$500.00, plus two dollars per residential lot; two-hundred and fifty dollars per nonresidential lot for the first two revisions. An additional ten dollars per residential lot or five-hundred dollars per nonresidential lot will be charged for each successive revision.
 - c. Plat infrastructure inspections: ~~One and one-half~~ Two and one-quarter (2¼) percent of the construction cost of the infrastructure to include but not limited to roads, stormwater facilities, water facilities and wastewater facilities to be paid prior to final plat approval.

Section 88-14. Additional Fees for Road, Drainage, Water, or Wastewater Facilities

Except in the event of an emergency, no road, drainage or water or wastewater utility installation shall be performed (1) before sunrise and after sunset, (2) nor between the hours of 5:00 p.m. and 7:00 a.m., (3) nor on ~~Saturday and~~ Sunday and (4) nor any holiday of the city. "Regular working hours" shall be between 7:00 a.m. and 5:00 p.m. and shall be established by the City at the preconstruction meeting and shall not exceed eight hours per day and 40 hours per week. If construction or maintenance work for roads, drainage or water and wastewater utilities requires operations during other than regular working hours, the contractor shall obtain written permission of the City at least 48 hours in advance of starting such work, and shall set forth the proposed schedule for overtime to give the City ample time to arrange for their personnel to be at the site of work. The contractor shall be invoiced and pay for all additional charges to the City on account of such overtime at the rates, as established from time to time by the City Manager. Work on weekends shall be charged a four-hour minimum. Such additional charges shall be a subsidiary obligation of the contractor and no extra payment shall be made by the City on account of such overtime work.

SECTION 3. Codification. It is the intention of the City Commission of the City that the provisions of Section 2 of this Ordinance shall be codified and made a part of the City of Winter Garden Code of Ordinances; and that Sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "Chapter," "Section," "Article" or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such is included in the code, Sections of this Ordinance may be renumbered or relettered and the correction of obvious typographical errors that do not affect the meaning of the provisions corrected may be authorized and made by the City Manager by filing a corrected copy of the Ordinance with the City Clerk.

SECTION 4. Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not effect the validity of the remaining portions of this Ordinance. The City Commission declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more of section, subsection, sentence, clause, phrase or portion would be declared invalid or unconstitutional.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

FIRST READING: July 26, 2007

SECOND READING AND PUBLIC HEARING: August 9, 2007

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

APPROVED:

Jack Quesinberry, Mayor/Commissioner

ATTEST:

KATHY GOLDEN, City Clerk

ORDINANCE 07-23

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP OF THE CITY OF WINTER GARDEN'S COMPREHENSIVE PLAN BY CHANGING THE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL OF PROPERTY LOCATED AT 13330 WEST COLONIAL DRIVE, 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE, ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on the 13 of June, 1991, the City Commission of the City of Winter Garden adopted Ordinance 91-16 which adopted a new Comprehensive Plan for the City of Winter Garden, and

WHEREAS, the owners of land generally described as approximately 1.51 acres located at Wind Tree Professional Center have petitioned the City to amend the Future Land Use Map of the Comprehensive Plan by changing the designation of said property from "Medium Density Residential" to "Commercial", and

WHEREAS, the City Commission has conducted the prerequisite advertised public hearings as per Chapter 163 regarding the adoption of this ordinance for a Small Scale Comprehensive Plan Amendment, and

WHEREAS, the aforesaid petition complies with the Florida Statutes as a Small Scale Comprehensive Plan Amendment,

THEREFORE BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN FLORIDA:

SECTION 1: The City of Winter Garden hereby amends The Future Land Use Map of the Comprehensive Plan with ATTACHMENT "A."

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Future Land Use Map in accordance with the provisions of this Ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the later of:

- (i) adoption at its second reading; and
- (ii) the date the Department of Community affairs renders a letter identifying the Department will not conduct a compliance review or issue a Notice of Intent in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes,
or
- (iii) when a final order issued by the Department of Community Affairs finding the amendment to be in compliance is accordance with Chapter 163.3184, F.S., or
- (iv) the date a final order is issued by the Administration Commission finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

The Department's Notice of Intent to find an amendment in compliance is deemed a final order if no timely petition challenging the amendment is filed.

City of Winter Garden Commission Agenda
July 12, 2007

READ FIRST TIME: July 12, 2007.

READ SECOND TIME AND PUBLIC HEARING: July 26, 2007.

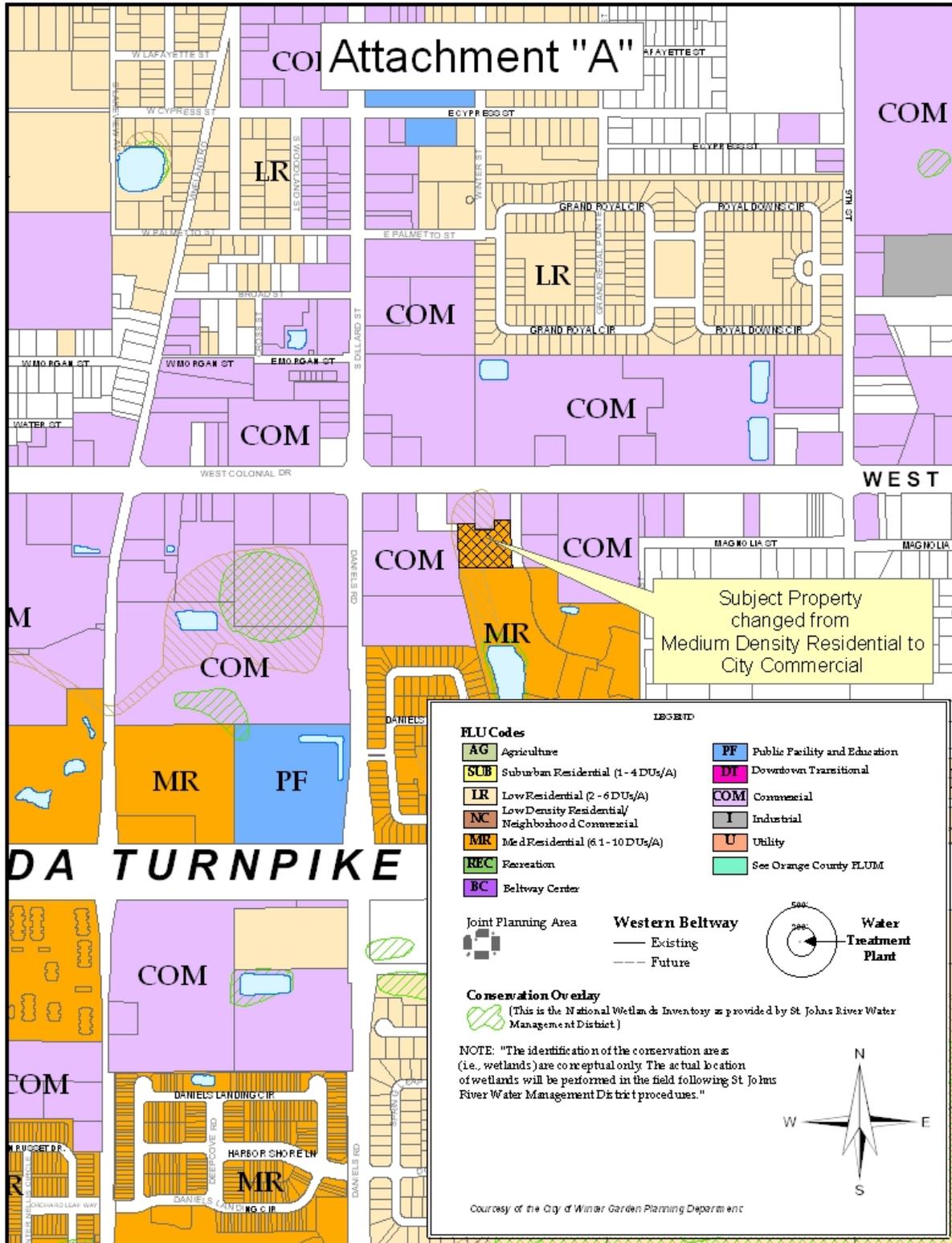
APPROVED:

H. GERALD JOWERS, Mayor Pro Temp

ATTEST:

KATHY GOLDEN, City Clerk

Ordinance 07-23



ORDINANCE 07-24

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA, REZONING APPROXIMATELY 1.51 ACRES OF LAND LOCATED AT 13330 WEST COLONIAL DRIVE; 13340 WEST COLONIAL DRIVE, 13350 WEST COLONIAL DRIVE AND 13360 WEST COLONIAL DRIVE, WINTER GARDEN, FLORIDA, ALSO KNOWN AS THE WINDTREE PROFESSIONAL CENTER AND MORE SPECIFICALLY DESCRIBED HEREIN FROM CITY R-3 TO CITY C-2; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the owner of real property generally described as approximately 1.51 acres located at Wind Tree Professional Center and legally described in Section 1 of this ordinance has petitioned the City to zone said property from R-3 to the City's C-2 zoning classification, therefore;

BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1: After due notice and public hearing, the zoning classification of real property legally described on ATTACHMENT "A," is hereby rezoned from R-3 to C-2 in the City of Winter Garden, Florida.

SECTION 2: The City Planner is hereby authorized and directed to amend the Official Winter Garden Zoning Map in accordance with the provisions of this ordinance.

SECTION 3: Should any portion of this Ordinance be held invalid, then the entire Ordinance shall be null and void.

SECTION 4: This Ordinance shall become effective upon the amendment of the City of Winter Garden Comprehensive Land Use Plan for the property described herein providing for a land use designation which allows the zoning that is to be established by this ordinance.

FIRST READING: July 12 2007.

SECOND READING AND PUBLIC HEARING: July 26 2007.

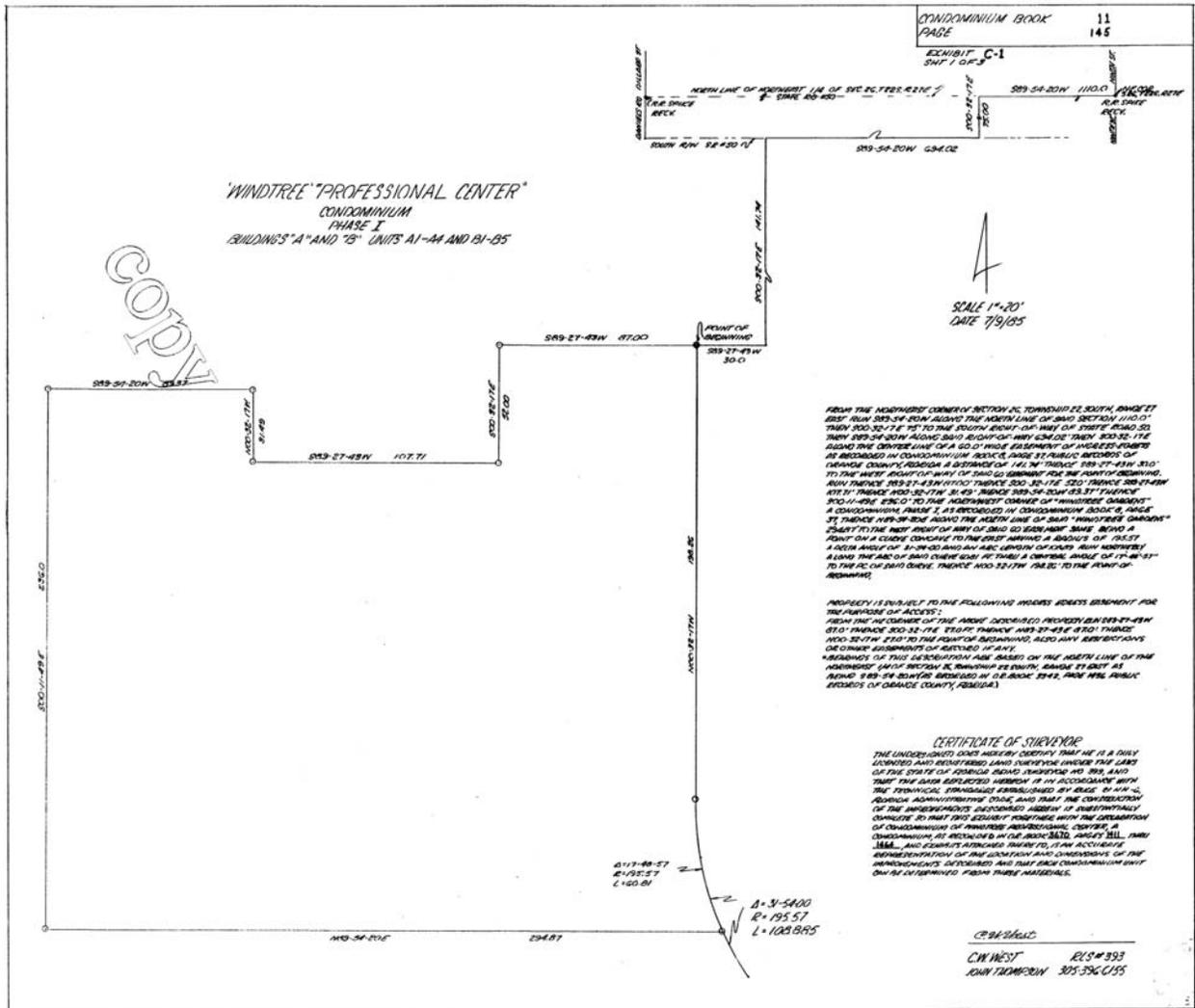
APPROVED:

H. GERALD JOWERS, Mayor Pro Tem

ATTEST:

KATHY GOLDEN, City Clerk

Ordinance 07-24 Attachment "A"



'WINDTREE' PROFESSIONAL CENTER
 CONDOMINIUM
 PHASE I
 BUILDINGS "A" AND "B" UNITS A1-A4 AND B1-B5

COPY

CONDOMINIUM BOOK 11
 PAGE 145

EXHIBIT C-1
 SHET 1 OF 3

SCALE 1"=30'
 DATE 7/9/05

FROM THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST RUN 589-54-20W ALONG THE NORTH LINE OF SAID SECTION 1110.0' THEN 500-32-17E 75' TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 50 THEN 589-54-20W ALONG SAID RIGHT-OF-WAY 694.02' THEN 500-32-17E ALONG THE CENTER LINE OF A 60.0' WIDE EASEMENT OF RECORDS AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 37, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA A DISTANCE OF 141.74' THENCE 589-27-43W 37.0' TO THE WEST RIGHT-OF-WAY OF SAID 60' EASEMENT FOR THE POINT OF BEGINNING, RUN THENCE 589-27-43W 87.00' THENCE 500-32-17E 52.0' THENCE 589-27-43W 107.71' THENCE 589-54-20W 89.37' THENCE 500-11-49E 256.0' TO THE NORTHEAST CORNER OF "WINDTREE GARDENS" A CONDOMINIUM, PHASE I, AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 37, THENCE 589-54-20W ALONG THE NORTH LINE OF SAID "WINDTREE GARDENS" 29.87' TO THE WEST RIGHT-OF-WAY OF SAID 60' EASEMENT SAME BEING A POINT ON A CURVE CONCAVE TO THE FIRST HAVING A RADIUS OF 195.57' A DELTA ANGLE OF 31-59-00' AND AN ARC LENGTH OF 104.09' RUN NORTHERLY ALONG THE ARC OF SAID CURVE 60.81' AT THAT A CENTRAL ANGLE OF 17°-46'-57" TO THE P.C. OF SAID CURVE, THENCE 500-32-17W 198.26' TO THE POINT OF BEGINNING.

PROPERTY IS SUBJECT TO THE FOLLOWING EGRESS EGRESS EGRESS FOR THE PURPOSE OF ACCESS:
 FROM THE NE CORNER OF THE ABOVE DESCRIBED PROPERTY RUN 589-27-43W 87.0' THENCE 500-32-17E 27.0' THENCE 589-27-43E 87.0' THENCE 500-32-17W 27.0' TO THE POINT OF BEGINNING, ALSO ANY RESTRICTIONS OR OTHER EASEMENTS OF RECORD IF ANY.
 *BEARINGS OF THIS DESCRIPTION ARE BASED ON THE NORTH LINE OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST AS BEING 589-54-20W AS RECORDED IN O.R. BOOK 3343, PAGE 196 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CERTIFICATE OF SURVEYOR
 THE UNDERSIGNED JOHN HENRY CROFT THAT HE IS A duly licensed and registered land surveyor under the laws of the state of florida and is duly sworn and that the same is a true and correct copy of the original plat as shown to him by the technical personnel furnished by ERIC W. WILSON, ARCHITECTURAL DRAFTSMAN AND THAT THE CONSTRUCTION OF THE INSTRUMENTS DESCRIBED HEREIN IS IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA ARCHITECTURAL CENTER, A CONDOMINIUM, AS RECORDED IN O.R. BOOK 8110, PAGE 111, AND THAT THE INSTRUMENTS DESCRIBED HEREIN ARE IN ACCORDANCE WITH THE PROVISIONS OF THE FLORIDA ARCHITECTURAL CENTER, A CONDOMINIUM, AS RECORDED IN O.R. BOOK 3343, PAGE 196 PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA.

CHAS. W. WEST
 CIVIL ENGINEER
 JOHN THOMPSON
 305-396-0155

FROM THE NORTHEAST CORNER OF SECTION 26, TOWNSHIP 22 SOUTH, RANGE 27 EAST RUN 589-54-20W ALONG THE NORTH LINE OF SAID SECTION 1110.0' THEN 500-32-17E 75' TO THE SOUTH RIGHT-OF-WAY OF STATE ROAD 50 THEN 589-54-20W ALONG SAID RIGHT-OF-WAY 694.02' THEN 500-32-17E ALONG THE CENTER LINE OF A 60.0' WIDE EASEMENT OF RECORDS AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 37, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA A DISTANCE OF 141.74' THENCE 589-27-43W 37.0' TO THE WEST RIGHT-OF-WAY OF SAID 60' EASEMENT FOR THE POINT OF BEGINNING, RUN THENCE 589-27-43W 87.00' THENCE 500-32-17E 52.0' THENCE 589-27-43W 107.71' THENCE 589-54-20W 89.37' THENCE 500-11-49E 256.0' TO THE NORTHEAST CORNER OF "WINDTREE GARDENS" A CONDOMINIUM, PHASE I, AS RECORDED IN CONDOMINIUM BOOK 8, PAGE 37, THENCE 589-54-20W ALONG THE NORTH LINE OF SAID "WINDTREE GARDENS" 29.87' TO THE WEST RIGHT-OF-WAY OF SAID 60' EASEMENT SAME BEING A POINT ON A CURVE CONCAVE TO THE FIRST HAVING A RADIUS OF 195.57' A DELTA ANGLE OF 31-59-00' AND AN ARC LENGTH OF 104.09' RUN NORTHERLY ALONG THE ARC OF SAID CURVE 60.81' AT THAT A CENTRAL ANGLE OF 17°-46'-57" TO THE P.C. OF SAID CURVE, THENCE 500-32-17W 198.26' TO THE POINT OF BEGINNING.

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ORDINANCE NO. 07-25

AN ORDINANCE OF THE CITY OF WINTER GARDEN, FLORIDA; SUBMITTING AMENDMENTS TO THE CITY CHARTER TO CITYWIDE REFERENDUM THAT: PROVIDE FOR COMPREHENSIVE REVISION, REORGANIZATION, CONSOLIDATION, MODERNIZATION AND CLARIFICATION OF THE CURRENT CHARTER; PROVIDE FOR THE ELIMINATION, REPLACEMENT OR REVISION OF INEFFECTIVE, PREEMPTED OR OTHERWISE OBSOLETE LANGUAGE; SET 3 YEAR TERMS FOR CITY COMMISSIONERS; PROVIDE NEW OR REVISED PROCEDURES FOR FILLING VACANCIES IN OFFICE, HOLDING REGULAR MEETINGS, CALLING SPECIAL AND EMERGENCY MEETINGS, CONDUCTING AND CANVASSING ELECTIONS, PRESENTING CITIZEN INITIATIVES AND REFERENDUMS, PASSING ORDINANCES, AND REVISING THE CITY CHARTER; CONSOLIDATE FISCAL PROVISIONS; PRESCRIBE NEW AND REVISED PREREQUISITES AND QUALIFICATIONS FOR COMMISSIONERS QUALIFYING AND HOLDING OFFICE; AND CHANGE THE DUTIES AND METHODS OF APPOINTMENT OF CITY OFFICERS SUCH AS THE CITY MANAGER, CITY CLERK, CHIEF OF POLICE AND CITY ATTORNEY; PROVIDING FOR NOTICE OF AN ADVERTISEMENT FOR THE REFERENDUM TO BE PUBLISHED IN ACCORDANCE WITH THE CURRENT CITY CHARTER, CITY CODE, AND STATE STATUTES; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL SUBMIT THE QUESTIONS AND AMENDMENTS CONTAINED HEREIN TO THE QUALIFIED ELECTORS OF THE CITY OF WINTER GARDEN AT A MAIL BALLOT SPECIAL ELECTION WHERE SUCH AMENDMENTS SHALL BE INCORPORATED INTO THE CITY CHARTER IF APPROVED; CALLING MAIL BALLOT SPECIAL ELECTION TO BE HELD IN SEPTEMBER 2007; PROVIDING FOR CHARTER AMENDMENT CONFLICTS; PROVIDING FOR CODIFICATION OF ORDINANCE AND ADOPTED CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.031, Florida Statutes (2006), provides for the adoption of an ordinance submitting amendments to the City of Winter Garden's (hereinafter "City") Charter to the electors of the City for approval;

WHEREAS, the Charter Review Committee of the City, the City Commission, and City Staff have publicly deliberated proposed amendments to the charter and each reached a consensus that various amendments to the Charter be submitted to a referendum of the electors of the City; AND

WHEREAS, the City Commission has publicly reviewed and considered the Charter Review Committee and City Staff recommendations for amending the charter;

WHEREAS, the City Commission, after due consideration, directs that this Ordinance be prepared and that Charter Referendum questions be included herein, and submitted to the qualified electors of the City of Winter Garden, Florida, at the Mail Ballot Special Election to be held in September 2007.

NOW, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

SECTION 2. **Amendment #1.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 3. **Amendment #1 Ballot Question.** The ballot title and summary of the amendment referenced in Section 2 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT INCORPORATING PREAMBLE AND TECHNICAL REVISIONS, REMOVING INEFFECTIVE LANGUAGE, AND PROVIDING REORGANIZATION AND CONSOLIDATION.

SUMMARY

A vote of "yes" would approve an amendment revising the City Charter to provide a Preamble, remove ineffective, redundant, or otherwise preempted language, clarify existing provisions, substitute gender neutral language, provide technical revisions to the Charter, and reorganize and renumber charter provisions to consolidate subject matter and account for other changes as may be adopted at this referendum.

YES

NO

SECTION 4. **Amendment #2.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "B" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 5. **Amendment #2 Ballot Question.** The ballot title and summary of the amendment referenced in Section 4 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT CHANGING TERMS OF OFFICE FOR COMMISSIONERS AND MAYOR-COMMISSIONER FROM 2 YEARS TO 3 YEARS.

SUMMARY

A vote of "yes" would approve an amendment changing the terms of office of the mayor commissioner and city commissioners from the current two (2) years to terms of three (3) years and providing technical changes to accommodate such.

YES

NO

SECTION 6. **Amendment #3.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “C” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 7. **Amendment #3 Ballot Question.** The ballot title and summary of the amendment referenced in Section 6 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT REQUIRING COMMISSIONERS TO RESIDE IN THE DISTRICT THAT THEY REPRESENT.

SUMMARY

A vote of “yes” approves an amendment to the charter requiring city commissioners representing a district and commission candidates qualifying for a district election to reside within such district, excepting sitting commissioners and qualified candidates from such rule until completion of their terms if such candidate or commissioner ceases to reside in a district solely as a result of redistricting, and requiring commissioners to generally maintain their candidacy qualifications while in office.

YES

NO

SECTION 8. **Amendment #4.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “D” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 9. **Amendment #4 Ballot Question.** The ballot title and summary of the amendment referenced in Section 8 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT PROVIDING THAT THE CITY MANAGER BE HIRED PURSUANT TO AN EMPLOYMENT CONTRACT.

SUMMARY

A vote of "yes" would approve an amendment requiring the city commission to hire the city manager pursuant to an employment contract not exceeding four years and subject to renewal upon approval, empowering the city commission to terminate the city manager by resolution and 3 member affirmative vote prior to contract expiration and, and requiring the City to continue paying the city manager's full salary until final removal or contract expiration, whichever occurs first.

YES

NO

SECTION 10. **Amendment #5.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "E" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 11. **Amendment #5 Ballot Question.** The ballot title and summary of the amendment referenced in Section 10 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT PROVIDING NEW PROCEDURE FOR FILLING COMMISSION VACANCIES.

SUMMARY

A vote of "yes" replaces the charter's current system for filling commission vacancies, which current system allows the governor to fill a vacancy if the commission fails to appoint a replacement within 15 days, with a system whereby, if six months or less remain in the unexpired commissioner's term, the commission fills the vacancy by appointment, or, if more than six months remain in the unexpired term, a special election is called to fill the vacancy.

YES

NO

SECTION 12. **Amendment #6.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "F" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 13. **Amendment #6 Ballot Question.** The ballot title and summary of the amendment referenced in Section 12 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT REVISING RULES FOR CALLING SPECIAL AND EMERGENCY COMMISSION MEETINGS AND PASSING EMERGENCY ORDINANCES.

SUMMARY

A vote of "yes" reduces the number of commission members required to call special commission meetings, adjusts the notice requirements for special meetings, provides new procedures for calling emergency meetings, reduces the required vote for enactment of emergency ordinances from unanimous to an affirmative two-thirds vote, and permits emergency ordinances to expend funds in excess of the contingent fund.

YES

NO

SECTION 14. **Amendment #7.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "G" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 15. **Amendment #7 Ballot Question.** The ballot title and summary of the amendment referenced in Section 14 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

CHARTER AMENDMENT PROVIDING FOR REDISTRICTING, A REDISTRICTING COMMITTEE AND ADOPTION OF REDISTRICTING ORDINANCES.

SUMMARY

A vote of "yes" establishes events triggering the redistricting process and formation of a redistricting commission, provides for the appointment of a redistricting commission by the city commission, sets forth deadlines and standards that the redistricting commission must follow in preparing and submitting a redistricting report, and provides for the adoption of a redistricting ordinance by the city commission.

YES

NO

SECTION 16. **Amendment #8.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "H" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 17. **Amendment #8 Ballot Question.** The ballot title and summary of the amendment referenced in Section 16 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT REVISING CHARTER ELECTION PROVISIONS, RECONSTITUTING THE CANVASSING BOARD, AND PERMITTING DELEGATION OF CANVASSING DUTIES.

SUMMARY

A vote of “yes” revises and reorganizes the current charter’s election provisions to remove ineffective or preempted language, permits the dates for run-off elections and candidate registration to be determined by ordinance, clarifies procedures for tied run-off elections and single-candidate races, replaces the current canvassing board comprised of the city commission with a canvassing board comprised of the city clerk and two citizens, and permits canvassing duties to be delegated to the County Canvassing Board.

YES

NO

SECTION 18. **Amendment #9.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “I” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 19. **Amendment # 9 Ballot Question.** The ballot title and summary of the amendment referenced in Section 18 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT ESTABLISHING A CHARTER PROCESS FOR CITIZEN INITIATIVES AND REFERENDUM.

SUMMARY

A vote of “yes” creates a citizen initiative and referendum process to challenge existing ordinances and propose new ordinances whereby initiative petitions meeting certain criteria are first submitted to the city commission for adoption, and, if such petition is not adopted by the commission as an ordinance, the petition is then referred to a citywide referendum for approval or rejection.

YES

NO

SECTION 20. **Amendment #10.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “J” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 21. **Amendment #10 Ballot Question.** The ballot title and summary of the amendment referenced in Section 20 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT REVISING POWERS OF THE CITY COMMISSION AND GROUNDS AND PROCEDURES FOR REMOVAL OF COMMISSIONERS.

SUMMARY

Voting “yes” reorganizes charter provisions concerning the City Commission, reduces residency period for Commission candidates to 1 year, substitutes a general statement of the Commission’s power in lieu of enumerated powers, provides mayor-commissioner with additional duties, reduces allowable unexcused commissioner absences from commission meetings from 4 to 3, provides commissioners facing forfeiture with the right to a public hearing, and requires the selection of a mayor pro-tem at the commission meeting following an election.

YES

NO

SECTION 22. **Amendment #11.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT “K” ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 23. **Amendment #11 Ballot Question.** The ballot title and summary of the amendment referenced in Section 22 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT ADJUSTING THE RESPECTIVE DUTIES OF APPOINTED OFFICERS AND PROVIDING FOR AN INDEPENDENT CITY CLERK.

SUMMARY

Voting "yes" requires all city officers to be appointed by the city manager, except the city clerk and city attorney who would both be appointed and removed by the city commission; adjusts, revises and clarifies the duties of appointed charter officers; names the city clerk the supervisor of municipal elections; permits such clerk to act independently of the city manager while exercising certain enumerated duties; and removes the city engineer office from the charter.

YES

NO

SECTION 24. **Amendment #12.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "L" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 25. **Amendment #12 Ballot Question.** The ballot title and summary of the amendment referenced in Section 24 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT ALIGNING THE CITY'S PROCEDURES FOR ADOPTING ORDINANCES WITH STATE LAW.

SUMMARY

A vote of "yes" removes preempted language concerning the City's adoption of ordinances, eliminates the requirement that ordinances and resolutions may be passed only by entry of "yeas" and "nays" into a journal, establishes a default date for the effectiveness of an ordinance to be 10 days following adoption, and makes notice requirements for publishing and amending ordinances consistent with state law.

YES

NO

SECTION 26. **Amendment #13.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "M" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 27. **Amendment #13 Ballot Question.** The ballot title and summary of the amendment referenced in Section 26 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT PROVIDING FOR CHARTER REVIEW ONCE EVERY 8 YEARS.

SUMMARY

A vote of "yes" requires that a charter review committee be appointed by the city commission at least once every 8 years to review the city charter and report any proposed changes to the city commission.

YES

NO

SECTION 28. **Amendment #14.** The Charter of the City of Winter Garden is hereby amended upon approval of the qualified electors of the City of Winter Garden to read as follows:

SEE EXHIBIT "N" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

SECTION 29. **Amendment #14 Ballot Question.** The ballot title and summary of the amendment referenced in Section 28 herein, followed by the words "yes" and "no" shall be set forth as follows on the ballot at the mail ballot special election in September 2007 for consideration by the qualified electors of the City of Winter Garden, Florida:

TITLE

AMENDMENT REVISING AND CONSOLIDATING CHARTER FISCAL PROVISIONS AND PROVIDING FOR FISCAL MANAGEMENT.

SUMMARY

Voting "yes" deletes Articles VIII, IX, X, and XI, titled respectively "Tax Administration," "Special Assessments," "Board of Equalization," and "Finance" in favor of statutory requirements for such and consolidates remaining fiscal provisions into new Article VIII, "Fiscal Management," which permits the city commission to reduce, transfer, or make additional appropriations or emergency notes, requires the city manager to monitor fiscal matters, and allows such manager to transfer funds among programs within a department or unit.

YES

NO

SECTION 30. **Referendum.** Having obtained the consent of the Orange County Supervisor of Elections ("Supervisor") by and through a mail ballot election contract with the Supervisor and in accordance with § 100.151, Florida Statutes, the City Commission hereby calls the mail ballot referendum to be held in September of 2007, at which the charter amendments and their accompanying

ballot questions contained herein will be submitted to the electorate, with the polls of such referendum closing on September 25, 2007.

SECTION 31. Advertisement. The City Clerk of the City of Winter Garden is hereby authorized and directed to advertise the referendum election contemplated herein in accordance with the current City Charter, City Code, and Florida Statutes.

SECTION 32. Codification. It is the intention of the City Commission of the City of Winter Garden that the Charter Amendment proposed by this Ordinance shall become and be made a part of the charter of the City of Winter Garden, Florida if adopted by the qualified electors of the City of Winter Garden. Articles, sections, and subsections of the Charter may be renumbered or relettered for editorial and codification purposes and such renumbering and relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. The City Clerk is hereby directed to ensure that appropriate numbers or letters are affixed to the Articles and Sections of the Charter to account for those charter provisions that are approved or rejected at referendum.

SECTION 33. Severability. If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and shall have no effect the validity of the other provisions of this Ordinance.

SECTION 34. Conflict between Charter Amendments. If more than one of the charter amendments contained herein are adopted, such adopted amendments should be codified, reconciled, or implemented in such a way as to give effect to the others. If such cannot be reconciled and are determined to conflict with one another, to the extent of such conflict, amended language shall supersede unamended language, substantive provisions shall supersede editorial provisions, and amendments removing or replacing provisions shall prevail over amendments that merely revise language within such provisions.

SECTION 35. Effective Date of Ordinance. This Ordinance shall take effect immediately upon its adoption.

SECTION 36. Effective Date of Proposed Charter Amendments. Each of the Proposed Charter Amendments set forth herein shall take effect if and upon certification of an affirmative

City of Winter Garden Commission Agenda
July 12, 2007

majority vote of the qualified electors of the City of Winter Garden in favor of such at the September 2007
mail ballot special election.

FIRST READING AND PUBLIC HEARING: _____ July 12 _____, 2007.

SECOND READING AND PUBLIC HEARING: _____ July 26 _____, 2007.

APPROVED:

H. GERALD JOWERS, Mayor Pro Tem

ATTEST:

KATHY GOLDEN, City Clerk

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EXHIBIT "A"

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. *** indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

PREAMBLE

We the people of the City of Winter Garden, Florida, under the constitutions and laws of the United States of America and the State of Florida, in order to provide the benefits of local government responsive to the will and values of our citizens, do hereby adopt this charter to define the powers and structure of our government. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards and operates as a careful steward of the human, fiscal, and natural resources of our city.

ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; POWERS

~~Sec. 1. Reaffirm present municipal form of government.~~

~~The present municipal form of government of the City of Winter Garden, Florida, is hereby reaffirmed.~~

~~Sec. 2. Effect on existing contracts.~~

~~No obligation, or contract of said municipality shall be affected or impaired by the enactment of this revised Charter, but all debts, contracts and obligations shall be obligations upon and enforceable against the new municipality.~~

~~Sec. 34. Present ordinances continued in force.~~

All ordinances and parts of ordinances now in force in said municipality, which are not in conflict with the provisions of this revised ~~C~~charter, or with the Constitution and laws of the State of Florida, shall be and remain in full force and effect until repealed by law or ordinance.

~~Sec. 4. Present commission continued in office.~~

~~The term of office of the mayor commissioner and the city commissioners, heretofore elected and now qualified and acting as such, shall not be affected by this act [Charter] and such officers shall be and remain under this revised Charter until their successors are elected, or are appointed as hereinafter provided, and qualified.~~

~~Sec. 5. Present office holders to hold until successors qualify.~~

~~All officers heretofore elected or appointed and holding office under the said municipality shall continue to hold their respective offices and to discharge the duties thereof until their successors are elected and confirmed under the provisions of this revised Charter.~~

Sec. 61. Reaffirming the existing boundaries of the municipality.

The inhabitants of the City of Winter Garden, Florida, within the corporate limits as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal corporation in perpetuity, under the name of the "City of Winter Garden, Florida." The corporate limits as now established are ~~as follows: [The corporate limits of the city are not printed herein, but are~~ on file in the city clerk's office.]

That said corporate limits may be extended from time to time as provided for in the Florida Statutes, without further amendment of this section, such up-to-date boundaries of the corporate limits shall be maintained in the office of the city clerk and ~~is [are]~~ hereby adopted and incorporated as fully as if set out in length herein.

Sec. 72. Form of government.

The form of government of the City of Winter Garden provided for under this revised ~~C~~charter shall continue as a "commissioner-manager plan," and the commission shall consist of five (5) citizens, who shall be elected ~~at large~~ in the manner hereinafter provided. The commission shall constitute the governing body with powers as hereinafter provided to pass ordinances, adopt regulations and appoint a chief administrative officer to be known as the "city manager," and to exercise all other powers hereinafter provided.

Sec. 83. Powers of city; general.

The City of Winter Garden hereby created, established and organized, shall have ~~full all~~ governmental, corporate, and proprietary powers and authority ~~to enable it to conduct municipal government; perform municipal functions; and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law.:~~ The powers of the City of Winter Garden shall be construed liberally in favor of the municipality, limited only by the Constitution, general law, and specific limitations contained herein. The specific mention of

particular powers in the charter shall not be construed as limiting in any way the general power granted in this section.

- ~~(1) — *Taxes and assessments.* To raise annually by taxes and assessments in said city such sums of money as the city commission hereinafter provided for shall deem necessary for the purposes of said city and in such manner as shall be hereafter provided for and in accordance with the Constitution and laws of Florida and of the United States; provided, however, that it shall impose no tax on the bonds of the city or other evidence of city indebtedness.~~
- ~~(2) — *License taxes.* To impose license taxes upon privileges, businesses, occupations and professions carried on and engaged in within the city; and the amount of such taxes shall not be dependent upon the general state revenue law.~~
- ~~(3) — *Special and local assessments.* To impose special or local assessments for local improvements and to enforce payment thereof.~~
- ~~(4) — *Contracting of debts and borrowing money.* Subject to the provisions of this Charter and of the Constitution of the State of Florida to contract debts, borrow money and make and issue evidences of indebtedness.~~
- ~~(5) — *Issuance of bonds.* To issue bonds and revenue certificates to carry out the authorized powers or purposes of the city, provided that, in the creation of bonded indebtedness, the procedure therefor shall be in conformity with the Constitution and laws of Florida.~~
- ~~(6) — *Expend moneys, borrow for current expenses.* To expend moneys of the City of Winter Garden for all lawful purposes and to borrow money for current city expenses, provided the total amount so borrowed shall not exceed an amount equal to the revenue derived from taxation during the prior fiscal year and provided the interest paid or payable upon such moneys borrowed shall not exceed the maximum rate charged by federal banking institutions within Orange County at such time or times.~~
- ~~(7) — *Invest surpluses.* To invest the surplus funds of the city.~~
- ~~(8) — *Acquisition and disposition of property.* To acquire by purchase, or otherwise, own, take, hold or use, and to lease, sell, grant, convey and mortgage, pledge or otherwise encumber such real and personal or mixed property or interest therein, whether within or without the limits of the city, as may be necessary for any of the purposes of the city, and to improve any such property and to sell or lease said property, or any part thereof, including real estate or any interest therein not necessary or required for public use, to the same extent that a natural person may do, either with or without referendum vote as may be provided by ordinance.~~

- ~~(9) — *Condemnation.* To acquire by condemnation any property necessary for public use, either within or without its corporate limits.~~
- ~~-~~
- ~~(10) — *Rent, lease.* To rent or lease from any person, firm, or corporation or political subdivision any land, building or personal property within or without the limits of the City of Winter Garden or any space within such building for any municipal purpose.~~
- ~~-~~
- ~~(11) — *Gifts, bequests and donations.* To receive devises, bequests, gifts and donations of all kinds of property in fee simple or in trust for public, charitable or other purposes, and to do all things and acts necessary to carry out the purpose of such devises, bequests, gifts and donations with power to manage, sell, lease or otherwise handle or dispose of the same in accordance with the terms of the devises, bequests, gifts or donations.~~
- ~~(12) — *Streets and sidewalks, generally.* To lay out, establish, open, grade, curb, pave, repave, macadamize, remacadamize, widen and otherwise improve streets, alleys, avenues, boulevards, lanes, parking facilities, sidewalks, parks, promenades and other public highways, or any part thereof, and to levy special assessments against abutting property and to hold liens therefor as hereinafter provided; and to construct and maintain bridges, viaducts, sewers, and drains; to vacate, alter or change streets and alleys and to grant easements under and over the same; to compel the removal from streets, alleys, sidewalks, parking areas, and other public highways of poles carrying overhead wires, fruit stands, signs, and signboards, showcases, and obstructions of every nature; to regulate the operation and speed of bicycles, automobiles, and other vehicles or conveyances ridden, driven, or propelled through city streets; to regulate the operation and speed of all engines, cars, and trains on railroads within the city; to regulate the service to be rendered and the rates to be charged by buses, motor cars, cabs and other vehicles for carrying of passengers or the transfer of baggage.~~
- ~~(13) — *Public improvements.* To make and maintain, within or without its corporate limits, public improvements of all kinds, including municipal and other public buildings, armories, markets and all buildings and structures necessary and appropriate for the use of the city, and to acquire by condemnation or otherwise all lands, including submerged lands, and all littoral, riparian and other rights and easements necessary to such improvements.~~
- ~~(14) — *Furnish services, utilities.* To furnish within and without its corporate limits all local public services and utilities, and to levy charges for the use of such services and utilities.~~
- ~~(15) — *Public utilities, structures.* To acquire by gift, purchase, condemnation or otherwise, and to construct, maintain and operate, within or without its corporate limits, waterworks and all utilities including but not limited to light plants, power plants, telephone systems, and parks, drives, pest houses, hospitals and all other~~

~~public buildings, structures, places, works and institutions, and for the carrying out of such purposes shall have power to make all necessary contracts in connection therewith.~~

- ~~(16) — *Enfranchise utilities.* Subject to the provisions of the Constitution of Florida, and of this revised Charter, to grant franchises for public utilities; provided, however, that the question of granting the franchise shall first be submitted to a vote of the people of the City of Winter Garden.~~
- ~~(17) — *Rates for public utilities.* To establish, impose and enforce water rates and charges for water, gas, electricity and all other public utilities or other service or conveniences operated, rendered or furnished by the city or by any person, persons, firm or corporation by the method and in the manner prescribed by ordinance from time to time. Provided, however, that this subsection shall not apply to public utilities that are regulated by the Florida Railroad and Public Utilities Commission.~~
- ~~(18) — *Off street parking.* To acquire, construct and maintain parking lots and other off-street parking facilities, to levy special assessments therefor, and to regulate and charge for their use.~~
- ~~(19) — *Enactment and enforcement of ordinances; penalties.* To make, ordain, establish and enforce all ordinances, rules and regulations not inconsistent with this Charter, the Constitution and laws of Florida and of the United States, which are necessary or expedient for the purpose of carrying into effect the powers conveyed by this revised Charter or any general law, and to impose penalties for breaches of its ordinances by fine or imprisonment in the city jail, with or without hard labor on the streets, alleys, parkways or other public property in the city, and to enforce the same by attachment, summarily against the person and property of the delinquent, provided that the penalty imposed shall in no case exceed imprisonment for sixty (60) days or a fine of five hundred dollars (\$500.00) or both.~~
- ~~(20) — *Codification of ordinances.* To provide for the codification of all ordinances of a general nature of the city into a general code. Such code and revisions thereof may be adopted by ordinance entitled, "An Ordinance to Adopt a City Code for the City of Winter Garden," and it shall not be necessary to comply with the provisions of this revised Charter regarding reading of ordinances. Amendments to this code shall be by duly enacted ordinances, but revisions of the code may be adopted as aforesaid.~~
- ~~(21) — *Nuisances and other matters detrimental to health, morals, safety, etc.* To define, prevent or abate nuisances; to prevent the running at large of cattle, horses, dogs, sheep, goats and other animals in the city limits; to regulate or prevent slaughterhouses or other noisome or offensive businesses within said city; to provide for inspection and regulation of the sanitary condition of all dairies,~~

~~butcherpens and slaughterhouses within and without the said city limits and to provide penalties for the violations of such regulations; to regulate or prohibit the keeping of animals, poultry or other fowl therein or the exercise of any dangerous or unwholesome business, trade or employment therein; to regulate the transportation of all articles through the streets; to compel the abatement of smoke and dust and prevent unnecessary noise therein; to regulate the location of stables and the manner in which they shall be kept and constructed; and generally to define, prohibit, suppress, abate and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the city.~~

~~(22) — *Police power; municipal courts; police department, etc.* To exercise full police powers and to create and establish a municipal court and to establish and maintain a department or division of police and to erect necessary buildings and purchase all implements and apparatus therefor. The City of Winter Garden shall have the right of "hot pursuit," as presently defined or referred to by the statutes of the State of Florida, beyond its city limits in the enforcement of its police powers. The commission may enter into reciprocal agreements with any other city or town, state or county government for furnishing police and fire protection and other municipal services, and enact such ordinances, or resolutions, as shall be necessary to carry out the same.~~

~~(23) — *Traffic; sales upon streets, etc.; vacation of streets.* To license, control, tax and regulate traffic and sales upon the streets, sidewalks and public places within the city and the use of space in such places, and to authorize the city commission or the chief of police to make and promulgate regulations for traffic on the streets during such hours as may be necessary and convenient and to provide for parking spaces on the street, and to regulate, vacate or discontinue the use of the same.~~

~~(24) — *Fire protection, etc.; building, plumbing and wiring regulations, etc.* To organize a fire department and provide all implements and apparatus therefore; to establish and designate from time to time fire limits and to regulate and prohibit the erection or repair of all buildings of whatever character within the said limits except those erected in accordance with the building regulations; to regulate and prevent the importation of gun powder, dry pitch, resin, kerosene[,] oil, benzene, naphtha, gasoline, turpentine, hemp, cotton, nitroglycerine or any product thereof, or other combustible or explosive materials within the city; to regulate and prevent the building of bonfire; to regulate and prevent the use of firecrackers, torpedoes, candles, skyrockets or other fireworks; to regulate and prevent obstructions to the entrances and the exits from theatres, lecture rooms, halls, churches, or other places for public gatherings, and to prevent the placing of seats, chairs, benches or other objects in hallways, aisles or open places therein; to regulate the construction and the materials used in buildings, chimneys, stacks and other structures; to prevent the erection and maintenance of insecure or unsafe buildings, walls, chimneys, stacks or other structures; to regulate the wiring or lighting, power, heating and other utility systems, and the piping of buildings for water or gas; to require and compel the owners or lessees of buildings to place~~

~~upon them or in them fire escapes and appliances for the extinguishing and prevention of fires; to prevent the construction and cause the removal of dangerous chimneys, fireplaces, stoves, stovepipes, ovens, boilers, apparatus or machinery used in any building in the city; to regulate gasoline cut-offs at curblines and to regulate the operation and control of its storage; to prevent the depositing of ashes, accumulation of shavings, rubbish, garbage or any combustible material; and to provide by ordinance for the condemnation and removal of unsafe, unsanitary or dangerous buildings or structures, or parts thereof.~~

~~(25) — *City planning and zoning.* To provide for and authorize city planning and zoning and to regulate and control the agencies therefor. The city shall have the right to regulate and restrict the location, number of stories, size, cubic contents, construction and area of buildings or other structures, including but not limited to billboards and advertising agencies, the percentage and portions of lots or land that may be occupied or built on, the size of yards, courts or other open spaces, the density of population and the use of buildings, structures and land for trade, industries, residences, apartment houses and any other purpose of any of said purposes that promote the safety, health, profit, morals, convenience, peace, prosperity or general welfare of the municipality or its inhabitants. To divide the said municipality into zones of such number, shapes and areas as may be deemed to be best suited to effectuate the purposes of this section, and within said zones to regulate and restrict the erection, construction, reconstruction, alteration, repair, destruction or removal of the buildings, lands and structures including billboards.~~

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~~(26) — *Gambling.* To punish as a crime gambling or other disorderly conduct.~~

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~~(27) — *Cruelty to animals.* To prohibit cruelty to animals.~~

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~~(28) — *Sale, etc., of intoxicants.* To regulate the hours of sale of intoxicating liquors, wines and beers within the limits of the city. To regulate or prohibit the sale, transportation or possession of intoxicating liquors, wines and beers within the limits of the city. All regulations affecting the location of any establishment selling intoxicating liquor, wine or beer for consumption on the premises shall be subject to a referendum of the voters; and except for restaurants that derive more than fifty one (51) percent of their annual revenue from the sales of food and nonalcoholic beverages served for consumption on the premises, any establishment selling intoxicating liquors, wine or beer, for consumption on the premises, shall not be located less than 1200 feet from a school or an established church within the corporate limits of the city.~~

~~(29) — *Markets, etc.* To establish, lease, maintain, operate and regulate market places and abattoirs, and to build, own and maintain buildings therein and to rent and lease the same.~~

- ~~(30) — *Keeping undesirables, etc., out of city.* To prevent persons having no visible means of support, paupers and persons who may be dangerous to the peace or safety of the city from coming to said city from without the same, and for this purpose to require any railroad company, the owner of any bus or taxi, the master of any ship or vessel, or the owners of any conveyance bringing such persons to the city to take such person back to the place whence he was brought or enter into bond with satisfactory security that such person shall not become a charge upon said city within one (1) year from date of his arrival; and also to expel therefrom any such person.~~
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- ~~(31) — *Numbering of houses and lots.* To regulate the numbering of houses and lots and to compel the owners of houses or other buildings to have the numbers of such houses and buildings shown conspicuously thereon.~~
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- ~~(32) — *Underground wiring.* May require the placing of all electrical, telegraph, telephone and cable television wires underground prescribing rules and regulations for the construction and use thereof.~~
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- ~~(33) — *Aircraft and pilots.* To license and regulate air vessels operated over the city and stipulate the heights at which and the manner in which same may be operated above the area included in the city limits, and to license and register the pilots thereof.~~
- ~~(34) — *Airport.* To acquire by purchase, lease, condemnation, or otherwise, lands, within or without the city limits for landing field or fields, or airport or airports for aircraft and to construct and equip thereon or on other property of the city, either within or without the city limits, such buildings and other improvements, or either or any such buildings or improvements as may be deemed necessary for that purpose; to operate and maintain such airports and to provide rules and regulations governing their use and the use of other property for means of transportation within or over the same, and to enter into contracts with or otherwise cooperate with the federal government or other public or private agencies in matters relating to such airports and otherwise to exercise such powers as may be required or convenient for such establishment, operations and maintenance; taxes may be levied for any such purpose and unless such airport shall have been acquired by lease said city may issue bonds in accordance with the provisions of this Charter relating to issuance of bonds to pay the cost of such airports and buildings and improvements and equipment.~~
- ~~(35) — *Promotion of general welfare, etc.* To do all things whatsoever necessary or expedient for promoting or maintaining the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the city or its inhabitants.~~
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- ~~(36) — *Safeguarding general health; regulation of restaurants; hotels, etc.; sale of foodstuffs.* To provide for the preservation of the general health of the inhabitants~~

of the city; to establish quarantine laws and regulations and make and enforce health regulations not inconsistent with the rules of the state board of health; to make regulations to prevent the introduction or spreading of contagious, malignant infections or other diseases in the city; to regulate and control and prevent the entry into the city of persons, baggage, merchandise or other property infected with contagious diseases; to provide for the control and regulation of restaurants, hotels, butchershops, lodgings, and tenement and apartment houses, and to provide and require that they be kept in a sanitary condition; to regulate the selling of meat, farm products, fish, vegetables and fruits and all other foodstuffs and to require the same to be inspected and condemned if found unwholesome, and to provide penalties for the violation of such regulations.

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(37) — *Health aid.* To create, establish, support, maintain and regulate bureau of legal, dental, medical and health aid.

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(38) — *Carcasses and offensive matter.* To prevent the bringing into and depositing within the limits of the city of any carcasses or any offensive or unwholesome matter, and to compel the removal or destruction by any person who shall have placed upon or near his premises any offensive matter and to provide penalty for violations thereof.

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(39) — *Collection and disposal of sewage, offal, garbage, etc.* To collect and dispose of sewage, offal, trash, rubbish, ashes, garbage, vegetable refuse, animal refuse, and other refuse, and to collect or construct and to operate incinerators and other plants for the disposal and reduction of such matters, or to provide for such collection and disposal by contracts with other governmental units or private contractors in its discretion.

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(40) — *Sewerage, drainage, etc.* To provide, erect, construct or acquire and maintain a sewerage system and to compel owners of improved property to connect therewith; to regulate the use of all bridges, viaducts, drains, sewers and cesspools within the city; to prohibit the use and maintenance of cesspools in all or any part of the city, and to compel the making of sewer connections and assess the cost thereof against the property so connected with the sewer; to compel the owner of low grounds where water collects and becomes stagnant, to fill or drain such low places and upon his default to authorize such drainage or filling at the expense of such owner, and to make the expenses thereof a lien upon the property filled or drained and to make an assessment for the same to be on record.

(41) — *Public libraries.* To own, organize, support and administer one or more public libraries.

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(42) — *Hospitals; regulations respecting the poor, indigent, etc.* To establish and maintain hospitals within or without the corporate limits of the city; to establish rules and regulations respecting the poor, indigent, infirm and insane, not inconsistent with the state laws, and to provide for their support, and to fix

~~conditions upon which such persons coming into the city shall be allowed to remain.~~

- ~~(43) — *Acquire and regulate cemetery.* To acquire by purchase, gift, devise, condemnation or otherwise, lands, either within or without the city, to be used, kept and improved as a place for the interment of the dead, and to make and enforce all necessary rules and regulations for the protection and use thereof, and generally to regulate the burial and disposition of the dead.~~
- ~~(44) — *Parks, playgrounds and recreational facilities.* To establish, support, maintain, regulate and develop a system of public recreation, including parks, playgrounds and other necessary facilities and activities incident thereto and to provide for their conduct; and to dedicate and set aside for such uses any lands or buildings, or both lands and buildings, now or hereafter owned or leased by the city, with power to charge and collect reasonable fees and charges for access to or enjoyment of any such facilities or activities.~~
- ~~(45) — *Golf courses and municipal stadium.* To acquire, lay out, construct, equip, maintain, control and regulate a municipal golf course or courses, and a municipal stadium, either within or without the corporate limits of the city, to fix, charge and collect reasonable rates and fees for the use thereof; to levy and collect taxes for construction, equipment, operation and maintenance thereof, and to issue bonds for the acquisition of such golf course, golf courses or stadium. When this revised Charter or the general laws of Florida require, that such bond issue be approved by referendum election, said referendum shall be held in accordance with the general laws of Florida.~~
- ~~(46) — *Weights and measures.* To provide for the control and inspection of weights and measures used in the city and to compel the use by dealers of proper weights and measures duly tested and sealed.~~
- ~~(47) — *Powers not exclusive.* The enumeration of particular powers by this revised Charter shall not be deemed or held to be exclusive, but in addition to the powers hereby expressly granted, and those implied therefrom, or appropriate to the exercise thereof, the said city shall have, and may exercise, all other powers which, under the Constitution and laws of Florida, it would be competent and appropriate for this paragraph to specifically enumerate, including but not limited to any and all rights and powers specifically enumerated in the Florida Statutes as pertaining to municipalities and specifically granting said city the right to incorporate and exercise powers hereinafter established in said Florida Statutes.~~

Sec. 5. Sale of Alcoholic Beverages.

All regulations affecting the location of any establishment selling intoxicating liquor, wine, or beer for consumption on the premises shall be subject to a referendum of the voters; and except for restaurants that derive more than fifty-one (51) percent of their annual revenue from

the sales of food and nonalcoholic beverages served for consumption on the premises, any establishment selling intoxicating liquors, wine, or beer, for consumption on the premises, shall not be located less than 1200 feet from a school or an established church within the corporate limits of the city.

ARTICLE II. THE CITY COMMISSION

Sec. 11. Number, selection, term, compensation.

- (1) There shall be A-a city commission is hereby created, to consisting of a mayor-commissioner who shall represent the entire city and be elected at large by the voters of the city, and four (4) commissioners, each of whom shall represent a single member district and be elected by the voters in the district they represent. The mayor-commissioner and commissioners who shall be qualified as hereinafter prescribed, and whose-their term of office shall begin on the first regular meeting of the city commission after their election. The term of office of the mayor-commissioner and the commissioners shall be two (2) years.
- (2) The present members of the city commission shall hold their seats for the term of office for which they were respectively elected, or until their successors have been elected and take office.
- (3) The commission shall elect from among its members a mayor pro-tem, who shall serve for a period of one year. The mayor-commissioner, shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law, but shall have no administrative duties. The mayor pro-tem shall act as mayor during the absence or disability of the mayor. Each shall have a voice and a vote in the proceedings of the commission; but no veto power.
- (4) The commission may determine the annual salary of the mayor-commissioner and the commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the mayor-commissioner and/or commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. The mayor-commissioner and the commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Sec. 12. Qualifications.

Candidates for the city commission shall have been residents of the city for two (2) years immediately prior to registering for the office, ~~and~~ shall have the qualifications of electors in the city for said period. Members of the city commission shall not hold any other public office, except that of notary public, an office in the National Guard, or an office in the organized reserve of the armed forces of the United States. Any member of the city commission ceasing to possess

the foregoing qualifications, or who shall be convicted of a crime involving moral turpitude, shall forfeit his office. Absence from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless such absence is excused by the city commission by resolution setting forth the fact of such excuse duly entered upon the journal.

Sec. 13. Powers of city commission.

Except as otherwise provided in this Charter, all powers of the city, and the determination of all matters of policy shall be vested in the city commission. Without limitation of the foregoing, the city commission shall have power to:

- (1) Be the judge of the election and qualification of its own members;
- (2) Authorize the issuance of bonds; revenue certificates, and other evidence of indebtedness;
- (3) Adopt and modify the official map of the city;
- (4) Provide for an independent audit;
- (5) Pass ordinances and laws for the preservation of the public peace and order, and impose penalties for the violation thereof; provided, that the maximum penalty to be imposed shall be a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period of time not longer than sixty (60) days;
- (6) Deal with any property of the city, both real or personal, or mixed in any manner the commission may see fit to do in accordance with the general powers of the city;
- (7) Provide rules and regulations for all purchases and sales made for and in behalf of the city;
- (8) Appoint, remove and fix the compensation of the city manager, city attorney, city prosecutor, city auditor, city clerk, city tax assessor, and a certified public accountant to perform the annual audit;
- (9) Appoint advisory boards to serve without compensation;
- (10) Establish by ordinance, the conditions upon which subdivisions and other areas may be annexed by the City of Winter Garden;
- (11) Exercise any right or authority given or permitted by the Constitution and the laws of the State of Florida to city commissions consistent with or in addition to the provisions of this ~~revised C~~charter;

- (12) By order of the city commission those officers listed in paragraph (8) above who are indicted for a felony will be suspended from office, without pay, until acquitted and the office filled by appointment for the period of suspension. By order of the city manager any other municipal officer or employee indicted for a felony will be suspended from office, without pay, until acquitted and the office filled as hereinbefore provided for the period of suspension.

Sec. 14. Limitations on powers of city commission.

- (1) *Appointments and Removals.* Neither the city commission nor any of its members shall control, demand, direct or request the appointment or removal of any person city administrative officer or employee whom to, or his removal from, office by the city manager; or by any of the city manager's his subordinates is empowered to appoint or hire, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city.
- (2) *Interference with Administration.* Except for the purpose of an inquiry investigation under section 14(2) of pursuant to this revised Charter, the city commission and its members shall deal with the city administrative service officers and employees solely through the city manager, and neither the city commission nor any members thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any violation of this section upon the part of a member of the city commission shall constitute grounds for his recall.
- (23) The city commission, or any committee thereof, or any advisory board appointed by the city commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee under their [its] jurisdiction to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body, or by the officer making the investigation, and shall be served by an officer authorized to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officers having authority under the laws of the state to administer oaths. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days or both.

Sec. 15. Creation of new departments.

The city commission by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments, and agencies established by this revised Charter. The city commission by ordinance may assign additional functions or duties to offices, departments or agencies established by this revised Charter, but may not discontinue or assign to

~~any other office, department or agency any function or duty assigned by this revised Charter to a particular office, department or agency.~~

Sec. 1819. Legislative procedure.

A majority of all members elected to the city commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalty as may be prescribed by ordinance. The affirmative {vote} of three (3) members shall be necessary to adopt any ordinance or resolution and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.

Sec. 1920. Adoption of ordinances; procedure; effective date.

- (1) All action by the city commission of a legislative character shall be by ordinance. Every proposed ordinance shall be introduced in written or printed form, and shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be, "Be it Enacted by the City of Winter Garden."
- (2) Each ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title.
- (3) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, at least seven (7) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Winter Garden and the notice shall state the date, time and place of the meetings, the title or titles of proposed ordinances, and the place or places within the municipality where such proposed ordinances may be inspected by the public. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (4) After such hearing, the commission may finally pass such ordinance with or without amendment, except that if it shall make an amendment which constitutes a change of substance, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once, together with a notice of the time and place when and where such amended ordinance shall be further considered, which publication shall be at least three (3) days prior to the time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it

subject to the same conditions. The second passage of any ordinance pursuant to this ~~revised C~~charter shall be final and no further passage shall be required.

- (5) After final passage every ordinance shall again be published or posted three (3) places in the city, one of which shall be city hall.
- (6) If a proposed ordinance is defeated either on the first or second reading, the same cannot be again reconsidered for a period of ninety (90) days.

Sec. ~~20~~21. Emergency measures.

The city commission by unanimous vote, may enact ordinances dealing with emergencies. Any new and unexpected condition or occurrence of a nonrecurring nature that constitutes an immediate and serious menace to the public welfare of the city, shall be deemed an emergency. When no expenditure of city funds is entailed, emergency ordinances may be temporarily effective for a period of not more than fifteen (15) days from the date of their passage; but such ordinances shall be subject to all other provisions of this ~~revised C~~charter governing the enactment of ordinances, and if not finally adopted in the manner herein provided shall expire at the end of the time for which they are temporarily effective. An emergency ordinance authorizing the expending of funds by the city for other than a regular or recurring requirement, may be effective upon any date fixed in the ordinance by the city commission; provided that the ordinance shall not authorize the expenditure in any manner of any greater sum than the unexpended balances in the current contingent funds. Every emergency ordinance shall set forth specifically the conditions or occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper thereafter published and of general circulation in the City of Winter Garden, in addition to the other publications required herein, and shall be captioned as an emergency ordinance. ~~Failure on the part of the members of the city commission to comply with the provisions of this section when enacting emergency ordinances shall be ground for recall.~~

Sec. ~~21~~22. Revision of ordinances.

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

Sec. ~~22~~23. Repeal of ordinances.

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

Sec. ~~23~~24. Independent audit required.

Prior to the end of each fiscal year, the city commission shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit his report to the

city commission, city manager and such other persons as the city commission may designate. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. He shall not maintain any accounts or records of the city business, but, within specifications approved by the city commission, shall post-audit the books and documents kept by any office, department or agency of the city government.

ARTICLE III. CITY MANAGER

Sec. 26. Appointment of city manager; compensation.

The city commission shall appoint, and from year to year establish the compensation of an officer of the city, who shall have the powers and perform the duties provided in this Charter. No city commissioner shall receive such appointment during the term for which the commissioner was ~~shall have been~~ elected, nor within one (1) year after the expiration of his-the commissioner's term.

Sec. 27. Removal of city manager.

The city commission may remove the city manager by a majority vote of its members. At least thirty (30) days before such removal shall become effective, the commission shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his-the city manager's removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration the commission by majority vote of its members may adopt a final resolution of removal. By the preliminary resolution the commission may suspend the manager from duty, but shall in any case cause to be paid him-the city manager, upon final determination, any unpaid balance of his-the city manager's salary.

Sec. 28. Qualifications.

The city manager shall be chosen by the city commission solely on the basis of his executive and administrative qualifications, with special reference to his-actual experience in, or his-knowledge of, accepted practice in respect to the duties of his-the office as hereinafter set forth. At the time of his-the city manager's appointment, and for a period of ninety (90) days thereafter, he-the city manager need not be a resident of the city, but during his-the city manager's tenure of office he-the city manager shall reside within the city. The city commission may extend the residency requirement for good cause shown.

Sec. 29. Absence, disability or suspension.

To perform his-the city manager's duties during his-the temporary absence or disability of the city manager, not to exceed thirty (30) days, the city manager may designate, by letter filed with the city clerk, a qualified administrative officer of the city. In the event of the failure of the city manager to make such designation, the city commission may by resolution appoint an officer

of the city to perform the duties of the city manager until ~~he shall~~ the city manager returns, or ~~his~~ the city manager's disability ~~shall~~ ceases.

Sec. 30. Powers and duties.

The city manager shall be the chief executive officer and head of the administrative branch of the city government except as herein provided and. ~~He~~ shall be responsible to the city commission for the proper administration management of all city affairs ~~of the city~~ and to that end, subject to Florida Statutes as from time to time amended, ~~he~~ the city manager shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the city, remove all officers and employees of the city, except as otherwise provided by this Charter, and except as he may authorize the head of a department or office to appoint and remove subordinates in such department or office;
- (2) Fix the salary of officers and employees whose salary is not set by the city commission under this Charter;
- (3) Endorse on all contracts, bonds and other instruments in writing in which the municipality is interested his approval of the substance thereof;
- (4) Prepare the budget annually and submit it to the city commission for approval;
- (5) Prepare and submit to the city commission, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;
- (6) Keep the city commission advised in writing of the financial condition and future needs of the city and make a report thereon on the second meeting of each month, and make such recommendations as may seem to him desirable;
- (7) Recommend to the city commission, the salary and wage scale proposed for the ensuing year, noting thereon any proposed changes recommended;
- (8) Perform such other duties as may be prescribed by this revised Charter or required of him by the city commission not inconsistent therewith.

[Sec. 31. Reserved.]

ARTICLE IV. CITY DEPARTMENTS AND OFFICERS

Sec. 32. Departmental organization.

- (1) All department heads shall be appointed by the city manager with the approval of the city commission, but such department heads may be removed by the city manager as hereinbefore provided.
- (2) Each department as herein established, except the city auditor and the city attorney, shall be administered by an officer designated by, and subject under this Charter to the direction and supervision of the city manager. With the consent of the commission, the city manager may serve as the head of one or more departments; provided, however, the city manager shall not serve as the head of any department set out in Article IV of this ~~revised C~~charter.
- (3) The work of each department shall be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the city manager. Pending the passage of an ordinance or ordinances distributing the work of the departments under the supervision and control of the city manager among specific divisions thereof, the city manager shall establish temporary divisions.
- (4) ~~Officers and e~~Employees of the city may hold more than one office position in the City of Winter Garden.

Sec. 33. City clerk.

The city manager, with the approval of the city commission, shall appoint a city clerk ~~for an indeterminate term and fix his compensation. His powers and duties who~~ shall be:

- (1) Give notice of city commission meetings to its members and the public and~~To~~ attend all meetings of the commission, ~~and keep permanent minutes of its proceedings, which shall be approved and engrossed in a well bound book and signed by the mayor and attested by the clerk at the next regular meeting.~~
- (2) Keep the minutes of city commission proceedings and its committees.
- (23) ~~To b~~Be the custodian of the city seal, all ordinances and resolutions and all records and papers of a general or permanent character pertaining to the affairs of the city.
- (34) ~~To b~~Be clerk of the tax equalizing board.
- (45) ~~To p~~Preserve, file and index all contracts to which the city is a party, which file and record shall be open to the inspection of all interested persons at all reasonable times.
- (56) ~~To p~~Perform the posting of any ordinance, resolution, or proclamation when posting is provided for in this revised Charter.

- (67) ~~To p~~Perform such other duties appropriate to his office as may be imposed upon ~~him~~ the city clerk by law, the ordinances of the city and by direction of the city manager.

Sec. 34. City attorney; ~~prosecutor~~.

- (1) ~~—~~The city commission shall appoint, and establish the compensation for, a city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official duties. ~~He~~ The city attorney shall represent the city in all legal proceedings. It shall be ~~his~~ the duty ~~of the city attorney~~ to perform all services incident to ~~his~~ the position as may be required by statute, by this ~~revised C~~ charter or by ordinance.
- (2) ~~—~~The city commission is authorized to appoint a city prosecutor whose primary responsibility and duty shall be to prosecute on behalf of and in the name of the city cases in and before the ~~[municipal county]~~ court of the city and to represent the city in all appeals from the ~~[municipal county]~~ court. The city prosecutor shall perform such other duties as may be directed by the city attorney under whose direction and supervision he shall work.

Sec. 35. City engineer.

The city commission is authorized to hire or retain a city engineer at such compensation as shall be determined by the said city commission for the purpose of advising the commission and other city officers and employees on all matters pertaining to engineering. Said city engineer shall be a licensed engineer under the laws of the State of Florida.

Sec. 36. Police department; chief of police.

- (1) There is hereby created in the city a police department for the preservation and enforcement of law and order within the city. Such police department shall be composed of a chief of police and as many subordinate officers and employees as the city manager may direct.
- (2) The chief of police shall have exclusive control of the stationing and transfer of all ~~patrolmen and other~~ officers and employees constituting the police force, subject to the approval of the city manager, or under such rules and regulations as may be prescribed by the ordinances of the city.
- (3) ~~—~~The chief of police and his deputies shall have the power and authority immediately to arrest, with or without warrant, in conformance with the general laws of the state pertaining to arrest, and also to take into custody any person who shall commit, threaten or to commit ~~[or threaten to commit]~~ in his presence or within his view, any offense prohibited by the ordinances and laws of the city, and shall without unnecessary delay bring the offenders before the ~~[municipal county]~~ court to be dealt with according to law.

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(4) ~~The chief of police, during the absence of or disability of the judge, or when the judge is not accessible for the reasonably prompt taking of bail, shall have power and authority to take temporary bail for the appearance of an accused person, and if such person fails to appear, the [municipal county] judge shall have power to declare such bond or security forfeited or estreated; provided, that the [municipal county] judge shall have power at any time after arrest of the accused and before sentence is imposed on production of the accused before him, to increase or decrease the amount of such bail as fixed by the chief of police, and if increased, to commit such accused person to custody until such increased or additional bail is provided.~~

(53) The chief of police shall attend such meetings of the city commission as he shall be directed to attend and aid in the enforcement of order under the direction of the presiding officer. He shall execute the commands of the city commission and all processes issued by authority thereof which shall be issued to him by the mayor-commissioner. He shall ~~[attend in person or by deputy the municipal court during its sittings; execute the commands and processes of said court, aid in the enforcement of order therein and]~~ perform such other duties appropriate to ~~his~~the office as may be imposed upon ~~him~~the chief by law, the ordinances of the city, and by direction of the city manager, consistent with this ~~act~~ [C]harter. He shall have the right to suspend, subject to Florida Statutes as from time to time amended, any officer or employee of the police force because of incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause, and he shall immediately report the fact of such suspension to the city manager for final action.

ARTICLE V. ELECTIONS

Sec. 38. Referendum.

Whenever a referendum vote is required by general laws of the state, by this revised Charter or by resolution of the city commission it shall be held in accordance with the provisions as set forth herein.

Sec. 39. City commission to regulate.

The city commission shall, by ordinance, make all regulations which it considers needful or desirable, not inconsistent with this revised Charter, for the conduct of municipal elections, and for the prevention of fraud therein. Inspectors and clerks of elections shall be appointed by the city commission.

Sec. 41. Qualifications of electors.

Any person who is a resident of the city who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and this ~~revised C~~charter, shall be an elector of the city.

Sec. 42. Registration of voters.

The city clerk shall be the registration officer for the city and shall register all persons applying to ~~him~~ the city clerk whose names are not already borne upon the registration book and who are qualified as electors under the provisions of this ~~Charter~~ charter. For this purpose the registration book shall always be open at the office of the city clerk, except that same shall be closed for thirty (30) days before and during the day of any city election. Each person applying to be registered shall make the following oath, which will be administered by the registration officer or his duly appointed deputy:

"I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida; that I have never previously registered to vote in any other jurisdiction.
been registered under the name of

_____ at _____
and request that my prior registration be cancelled
and that all of the information on this form is true."

Any person taking such oath who shall swear falsely shall be guilty of perjury.

Sec. 43. Party insignia on ballots; form to be as in state, county elections.

All ballots used in any special or regular annual election held under authority of this ~~revised C~~charter, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the form as the elections ballots used in state and county elections.

Sec. 45. Fee; withdrawal.

The city commission shall by ordinance determine the amount of a registration fee appropriate to the cost involved, if any, to be paid to the city clerk upon registration. Any candidate may withdraw ~~his name~~ at any time before the form for the election ballots are delivered to the printer for printing, but in no event shall the registration fee be returned or refunded.

~~ARTICLE VI. RECALL ELECTIONS~~

~~Sec. 52. Adoption of Florida State Law--Recall.~~

~~It is hereby adopted for the purpose of establishing procedures for recall of any member of the city commission[,] F.S. ch. 100, as from time to time may be amended.~~

~~ARTICLE VII. ANNEXATION~~

~~Sec. 53. Adoption of Florida State Law--Annexation.~~

~~It is hereby adopted for the purpose of establishing procedures for annexation or contraction and the adjustment of municipal boundaries, F.S. ch. 171, as from time to time may be amended.~~

ARTICLE VIII. TAX ADMINISTRATION

Sec. 54. License taxes.

- (1) The city commission is authorized to levy and impose license taxes, by ordinance, for the purposes of regulation and revenue, upon all occupations and upon any and all privileges, and to create and fix the amounts to be paid, without regard to the amounts fixed for state and county license taxes; to provide for the collection of the same, and to provide for penalties for failure or refusal to pay such licenses. All such licenses so imposed shall constitute a legal indebtedness to the city which may be recovered in any court of competent jurisdiction. Licenses shall be issued for the periods and be transferable as provided by the general law for state licenses. The agent or agents of nonresident proprietors shall be severally responsible for carrying on business in like manner as if they were proprietors. The fact that any person, firm or corporation, reporting herself, himself or itself as engaged in business, calling, profession, or occupation, for the transaction of which a license is required, or that person exhibiting a sign or advertisement indicating engagement in such business, calling, profession, or occupation, shall be conclusive evidence of the liability of such person, firm or corporation to pay a license.

ARTICLE ~~XHIX~~. MISCELLANEOUS PROVISIONS

~~Sec. 95. Tort suits against city; notice; investigation.~~

~~It is hereby adopted for the purpose of establishing procedures for maintaining a tort action against the city, F.S. § 95.241, as from time to time may be amended.~~

~~Sec. 96. Posting allowed as alternative to publication.~~

~~Whenever this revised Charter requires publication in a newspaper of any ordinance, assessment rolls, or other item, posting of such item in three (3) public places within the city, one of which shall be the city hall, may be used as an alternative procedure.~~

Sec. ~~97~~70. Severability clause.

If any section or part of a section of this ~~revised C~~harter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of section of this ~~revised C~~harter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of section held to be constitutional or invalid.

Sec. ~~98~~. Repealing clause.

~~All laws and parts of laws in conflict herewith are hereby repealed.~~

Sec. ~~99~~. When Charter becomes effective; restriction required.

- ~~(1) This revised Charter shall become effective when it shall be ratified and approved by a majority of the qualified electors of the City of Winter Garden, voting at a regular election to be held in said city.~~
- ~~(2) In the event of the ratification of this revised Charter the same shall become effective immediately upon the official determination of said ratification and filing with the State of Florida. It shall not be necessary that a majority of the qualified electors of said city cast votes at said election.~~

Sec. ~~100~~. Former Charter to continue if not ratified.

~~Should this revised Charter not be adopted at the regular annual election herein provided for, then the Charter shall remain in force and effect.~~

EXHIBIT "B"

Words that are ~~stricken-out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE II. THE CITY COMMISSION

Sec. 11. Number, selection, term, compensation.

- (1) A city commission is hereby created, to consist of a mayor-commissioner and four (4) commissioners who shall be qualified as hereinafter prescribed, and whose term of office shall begin on the first regular meeting of the city commission after their election. The term of office of the mayor-commissioner and the commissioners shall be ~~two (2)~~three (3) years.
- (2) The present members of the city commission shall hold their seats for the term of office for which they were respectively elected, or until their successors have been elected and take office.
- (3) The commission shall elect from among its members a mayor pro-tem, who shall serve for a period of one year. The mayor-commissioner, shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. The mayor pro-tem shall act as mayor during the absence or disability of the mayor. Each shall have a voice and a vote in the proceedings of the commission; but no veto power.
- (4) The commission may determine the annual salary of the mayor-commissioner and the commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the mayor-commissioner and/or commissioners elected at the next regular election, provided

that such election follows the adoption of such ordinance by at least six (6) months. The mayor-commissioner and the commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office.

ARTICLE V. ELECTIONS

Sec. 43. Party insignia on ballots; form to be as in state, county elections.

All ballots used in any special or regular ~~annual~~ election held under authority of this revised Charter, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the form as the elections ballots used in state and county elections.

Sec. 46. General elections.

A general election of candidates to the office of mayor-commissioner or city commissioner shall be held each year in which the term of office for mayor-commissioner or a city commissioner expires on the date specified by ordinance duly adopted by the city commission of the City of Winter Garden.

EXHIBIT "C"

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE II. THE CITY COMMISSION

Sec. 12. Qualifications.

(1) Candidates. Candidates for the city commission shall have been residents of the city and of the district in which they run for two (2) years immediately prior to registering for the office, ~~and~~ shall be registered voters in their district for said period, and shall maintain residency and voter registration in the city and district. ~~have the qualifications of electors in the city for said period.~~ Members of the city commission shall not hold any other public office, except that of notary public, an office in the National Guard, or an office in the organized reserve of the armed forces of the United States. Any member of the city commission ceasing to possess the foregoing qualifications, or who shall be convicted of a crime involving moral turpitude, shall forfeit his office. Absence from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless such absence is excused by the city commission by resolution setting forth the fact of such excuse duly entered upon the journal. Notwithstanding the foregoing, in the event a qualified candidate for commissioner fails to meet the residency and voter registration requirements for holding office solely as the result of a redistricting that occurs after the qualifying period for the election of such office, such qualified candidate for commissioner may continue to run for the office which he/she qualified and if elected, serve without forfeiture for the remainder of his/her term provided the qualified candidate maintains his/her residency and voter registration existing at the time of redistricting while running for office, and, if elected, while serving as commissioner.

(2) Members. Members of the city commission must maintain the foregoing qualifications in subsection (1) during their term of office. In the event a commissioner fails to meet the residency and voter registration requirements for holding office solely as the result of a redistricting or charter revision that occurs during the term of office, such commissioner shall not be deemed to have forfeited such office and may continue to serve in office for the remainder of the commissioner's term provided the commissioner maintains his/her residency and voter registration existing at the time of redistricting.

EXHIBIT "D"

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. *** indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE III. CITY MANAGER

Sec. 26. Appointment of city manager; written contract~~compensation~~.

The city commission shall appoint a city manager, ~~and from year to year establish the compensation of an officer of the city,~~ who shall have the powers and perform the duties provided in this Charter. No city commissioner shall ~~receive such appointment~~be appointed city manager during the term for which ~~the commissioner was~~shall have been elected, nor within one (1) year after the expiration of ~~his the commissioner's~~ term. The city manager will be hired by the city under a written employment contract, the terms of which must be approved by an affirmative vote of at least three (3) commissioners before said contract can be effective. In no event shall the city manager be hired pursuant to a written employment contract for a term of employment in excess of four (4) years. At the expiration of such contract, the city commission must decide by an affirmative vote of at least three (3) commissioners either to retain the city manager pursuant to a written employment contract or terminate the city manager.

Sec. 27. Removal of city manager.

Prior to the end of the city manager's contract, ~~T~~he city commission may remove the city manager by ~~an affirmative majority~~vote of at least three (3) of its members. At least thirty (30) days before such removal shall become effective, the commission shall by ~~an affirmative majority~~vote of at least three (3) of its members adopt a preliminary resolution stating the reasons for ~~his the city manager's~~ removal. The manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full

consideration, the city commission by an affirmative majority vote of at least three (3) of its members may adopt a final resolution of removal.

By the preliminary resolution the city commission may suspend the city manager from duty, but shall in any case ~~cause to be paid him, upon final determination, any unpaid balance of his salary.~~ continue to pay full salary to the city manager until the effective date of a final resolution of removal. Upon the expiration of the city manager's contract, the above process is not applicable and the city commission may remove the city manager by an affirmative vote of at least three (3) commissioners.

EXHIBIT "E"

Words that are ~~stricken-out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

Sec. 16. Vacancies in commission.

~~If any vacancy occurs in the city commission, the city commission shall elect within fifteen (15) days by the affirmative votes of not less than three (3) members, an eligible person to fill the vacancy until the next general or special election, at which time the office shall be filled for the unexpired term; provided, that if such vacancy is not filled within fifteen (15) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the governor.~~

(1) The office of mayor-commissioner or commissioner shall become vacant upon the death, resignation, forfeiture or removal from office in any manner prescribed by law or this charter.

(2) Unless otherwise prescribed by general law, a vacancy on the commission shall be filled in the following manner:

(a) If there are six (6) months or less remaining in the unexpired term of the vacant office, within thirty (30) days of the occurrence of the vacancy, the commission by majority vote of its remaining members shall appoint a qualified person to fill the vacant office to serve the remainder of the term. Within fifteen (15) days of the occurrence of the vacancy, those persons interested in qualifying for appointment to the vacant office shall submit to the city clerk their name and other such information showing that they meet the qualifications for holding office pursuant to Section 12 of this charter. After the fifteen (15) day qualifying period, but before the expiration of thirty (30) days after the occurrence of the vacancy, the commission shall hold a special meeting for the purpose of filling the

vacancy and at such meeting allow public comment on the matter. If the commission does not appoint a qualified person by the expiration of thirty (30) days after the occurrence of the vacancy, the vacant office shall be filled by drawing lots among the qualified persons receiving at least two (2) votes from the remaining commission members.

(b) If there are more than six (6) months remaining in the unexpired term of the vacant office, the commission shall schedule a special election to fill the vacancy and such election shall be held not sooner than forty-five (45) days and not later than sixty (60) days following the occurrence of the vacancy.

EXHIBIT "F"

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. *** indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

Sec. 1718. Induction of commissioners into office; meetings.

- (1) All meetings of the city commission and of the committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The commission shall determine its own rules and order of business and shall keep minutes of its proceedings.
- (2) The first meeting of newly elected mayor-commissioner and/or commissioners for induction into office, shall be held at the first regular meeting following their election, after which the commission shall meet regularly at such times as may be prescribed by its rules, but not less frequently than ~~twice~~once each month.
- (3) The mayor-commissioner or any ~~three (3)~~two (2) members of the commission, may call special meetings of the city commission through the city clerk's office, upon ~~at least six (6)~~no less than twelve (12) hours' ~~written~~ notice to each ~~member~~commissioner, ~~served personally, or left at his usual place of residence~~delivered in a reasonable manner.
- (4) The mayor-commissioner or any two (2) members of the commission may convene an emergency commission meeting upon reasonable notice of such meeting given to each commission member. The first order of business at an emergency commission meeting shall be the determination, by affirmative vote of at least three (3) members of the commission that an emergency situation involving health, safety, or public welfare warranting commission action exists. Only matters relating to the emergency may be considered at the emergency

meeting and any action taken at such meeting must be approved by at least three (3) members of the commission, except for emergency ordinances, which shall be adopted in accordance with this charter.

Sec. 2021. Emergency measures.

The city commission by ~~unanimous affirmative two-thirds~~ of the total commission vote, at the meeting at which they are introduced. Any new and unexpected condition or occurrence of a nonrecurring nature that constitutes an immediate and serious menace to the public welfare of the city, shall be deemed an emergency. When no expenditure of city funds is entailed, emergency ordinances may be temporarily effective for a period of not more than fifteen (15) days from the date of their passage; but such ordinances shall be subject to all other provisions of this ~~revised~~ Charter governing the enactment of ordinances, and if not finally adopted in the manner herein provided shall expire at the end of the time for which they are temporarily effective. An emergency ordinance authorizing the expending of funds by the city for other than a regular or recurring requirement, may be effective upon any date fixed in the ordinance by the city commission; ~~provided that the ordinance shall not authorize the expenditure in any manner of any greater sum than the unexpended balances in the current contingent funds~~. Every emergency ordinance shall set forth specifically the conditions or occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper thereafter published and of general circulation in the City of Winter Garden, in addition to the other publications required herein, and shall be captioned as an emergency ordinance. Failure on the part of the members of the city commission to comply with the provisions of this section when enacting emergency ordinances shall be ground for recall.

EXHIBIT "G"

Words that are ~~stricken-out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE II. THE CITY COMMISSION

Sec. 25. Commission Districts; adjustment of districts.

- (1) There shall be four (4) city commission districts. Each district shall be formed of compact, contiguous territory, and its boundary lines shall follow the center lines of streets whenever possible. The aggregate length of all district boundaries shall be as short as possible. The districts shall be approximately equal in population based upon the principal of equal and effective representation as required by the federal and state constitutions. Deviation in population of a district when formed may not exceed five (5) percent of the average population for all commission districts.
- (2) A five (5) member districting commission shall be created to study and propose the readjustment of district boundaries when required herein. The five (5) member districting commission shall be appointed in the following manner. The mayor-commissioner shall appoint one (1) elector who resides in the city and each of the four (4) commissioners shall appoint one (1) elector who resides in their respective district. Residency of the districting commission members is to be determined from the most current voter registration rolls. Each appointment to the districting commission shall be confirmed by a majority vote of the city commission. Electors chosen shall not be employed by the city.
- (3) A districting commission shall be created upon the following circumstances:

- (a) Within forty-five (45) days following official certification of the decennial census of the state; or
- (b) Commencing on April 30, 2008, if the population of any district in the city becomes fifty (50) percent greater than the population of the smallest district prior to the decennial census of the state, unless such occurs within one (1) year of the decennial census. The city shall annually review the estimated population of each district.
- (4) Within one hundred and twenty (120) days of being created, the districting commission shall file with the official designated by the city commission, a report containing a recommended plan for adjustment of the commission district boundaries. The report shall include a map and description of the proposed districts and shall be drafted in the form of a proposed ordinance and upon filing shall be treated as a proposed ordinance introduced by a commissioner.
- (5) It shall be the responsibility of the city manager to provide staff assistance and technical data to the districting commission.
- (6) The procedure for the city commission's consideration of the report shall be the same as for other ordinances, provided that if a summary of the proposed ordinance is published pursuant to this charter and general law, it must include both the map and a description of the recommended districts.
- (7) The city commission shall adopt a redistricting ordinance at least ninety (90) days before the next regular city election. However, if the city commission fails to do so, the report of the districting commission shall go into effect on the ninetieth (90th) day before the next regular city election and have the effect of an ordinance.

EXHIBIT “H”

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. *** indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE V. ELECTIONS

Sec. 39. City commission to regulate.

~~The city commission shall, by ordinance, make all regulations which it considers needful or desirable, not inconsistent with this revised Charter, for the conduct of municipal elections, and for the prevention of fraud therein. Inspectors and clerks of elections shall be appointed by the city commission.~~

Sec. 4039. Conduct generally.

~~Except as herein specifically provided herein or by ordinance, all elections in the city, the qualification of electors and the registration of voters shall be conducted substantially on the principles governing state elections, or as the city commission shall by ordinance prescribe in accordance with general law.~~

Sec. 41. Qualifications of electors.

~~Any person who is a resident of the city who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law and this revised Charter, shall be an elector of the city.~~

Sec. 42. Registration of voters.

~~The city clerk shall be the registration officer for the city and shall register all persons applying to him whose names are not already borne upon the registration book and who are qualified as electors under the provisions of this Charter. For this purpose the registration book shall always be open at the office of the city clerk, except that same shall be closed for thirty (30) days before and during the day of any city election. Each person applying to be registered shall make the following oath, which will be administered by the registration officer or his duly appointed deputy:~~

~~"I do solemnly swear (or affirm) that I will protect and defend the Constitution of the United States and the Constitution of the State of Florida, and that I am qualified to register as an elector under the Constitution and laws of the State of Florida; that I have never previously registered to vote in any other jurisdiction. been registered under the name of~~

~~_____ at _____
and request that my prior registration be cancelled
and that all of the information on this form is true."~~

~~Any person taking such oath who shall swear falsely shall be guilty of perjury.~~

Sec. 4340. Party insignia on ballots; form to be as in state, county elections.

All ballots used in any special or regular annual election held under authority of this revised Charter, shall be without party mark or designation and without any insignia or mark of any association or organization thereon, and shall be substantially in the form as the elections ballots used in state and county elections.

Sec. 4441. Qualification of candidates in groups~~districts~~; time; procedure; runoff election.

- (a) The city clerk, as the registration officer, shall designate the city commission by individual grouping~~districts~~, with commissioners designated Groups~~districts 1~~ through IV-4 and the mayor-commissioner designated district 5 elected at-large Group V.
- (b) All candidates for office of the mayor-commissioner or commissioners shall register their names, together with the name of the group~~district~~ to which they aspire, with the city clerk. The period within which this registration must occur shall be determined by ordinance, ~~but in no event, other than delay caused by natural disasters or other extreme emergencies, shall the period commence more than ninety (90) days nor later than thirty (30) days preceding the date of such election, and the registration period shall be open for a minimum period of fifteen (15) days.~~
- (c) The winner of a district election shall be the candidate receiving a majority of the votes cast within the district election, which majority of the votes shall mean greater than fifty percent (50%) of the votes cast. In the event of a tie between two (2) candidates, or if a no candidate fails to receive a clear majority of votes cast within a group district general election, a runoff election shall be held on the second Tuesday of April the date specified

by ordinance, and the two (2) candidates receiving the equal votes, or, in the event of no clear majority votes, the two (2) candidates receiving the greatest votes within a group district shall be the only candidates on the ballot for such runoff election. In the event of a tie during the runoff election, the winner of the runoff election shall be selected by a flip of a coin.

(d) In the event there is only one qualified candidate running for office of mayor-commissioner or commissioner, such qualified candidate shall be deemed the winner of the election without the need to hold the district general election for such district.

Sec. 4542. Fee; withdrawal.

The city commission shall by ordinance or resolution determine the amount of a registration fee appropriate to the cost involved, if any, to be paid to the city clerk upon registration. Any candidate may withdraw ~~his name~~ at any time before the form for the election ballots are delivered to the printer for printing, but in no event shall the registration fee be returned or refunded.

Sec. 4643. General elections.

A general election of candidates to the office of mayor-commissioner or city commissioner shall be held each year on the date specified by ordinance duly adopted by the city commission of the City of Winter Garden.

Sec. 4744. Special elections.

Special elections for any purpose other than a runoff election as hereinbefore provided shall be held in the same manner as a regular annual election except the city commission, by resolution, shall fix the time of holding such special election and the question to be balloted.

Sec. 4845. Write-in candidates.

The provisions of the general laws of the State of Florida governing write-in candidates shall be applicable to general and special elections held within the city.

Sec. 4946. Absentee voting.

The provisions of the general laws of the State of Florida governing absentee voters shall be applicable to general, recall and special elections held within the city.

Sec. 5047. Polling places.

The city commission shall adopt the polling places as designated by the Orange County supervisor of elections.

Sec. 5148. Polling hours; eCanvassing Board of returns.

~~The polls shall be open at seven (7) o'clock a.m., and shall close at seven (7) o'clock p.m. The result of the voting, when ascertained, shall be certified by return in duplicate, signed by the clerk and a majority of the inspectors[,] to the mayor and the other to the city clerk, both of whom shall transmit such returns to the city commission at its next regular meeting thereafter. At such meeting the city commission shall canvass the returns and the results as shown by such returns shall be by the city commission declared as the result of the election. The city clerk shall, not later than noon of the second day after the canvass of said election, furnish a certificate of election to each person shown to have been elected.~~

- (1) A city canvassing board shall be established for the purposes of canvassing ballots and election results. The canvassing board shall be composed of the city clerk and two (2) citizens who shall be selected by majority vote of the city commission. A third and fourth citizen shall also be selected by majority vote of the city commission to serve as a first and second alternate canvassing board member. The canvassing board members shall be appointed at least ninety (90) days before July 1st of each year and shall serve a one year term commencing on July 1st and ending June 30th the following year, or until their successors are appointed.
- (2) The canvassing board shall meet on the night of the election at the close of the polls or as soon thereafter as practicable to publicly canvass the ballots and results as shown by the returns, and adjourn and meet again as needed.
- (3) Election returns shall be canvassed in the manner as provided by general law, ordinance and this charter. The city clerk shall, after the canvass of said election, furnish a certificate of election to be recorded in the minutes of the first city commission meeting thereafter.
- (4) If required by statute, or authorized by a majority vote of the City Commission, the duties of the canvassing board with regard to a particular election may be delegated to the County Canvassing Board or such other governmental canvassing entity as established pursuant to interlocal agreement. If the duties of the canvassing board are delegated in accordance with this section, the entity to which such duties are delegated shall not be bound to those canvassing procedures provided by city ordinance and charter and shall otherwise canvass the election subject to those laws, rules, procedures, and guidelines to which such entity is ordinarily bound. The city clerk shall obtain a certification of the results of the election from the canvassing entity to which canvassing duties have been delegated and shall submit such certification to the City Commission to be recorded in the minutes of the next City Commission meeting.

EXHIBIT "I"

Words that are ~~stricken-out~~ are deletions; words that are underlined are additions. *** indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE VI. INITIATIVE AND CITIZEN REFERENDUM.

Sec. 55. Initiative and Referendum.

- (1) Initiative. The registered voters of the city shall have power to propose ordinances to the city commission and, if the city commission fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, comprehensive planning, zoning, or salaries of city officers or employees.
- (2) Citizen Referendum. The registered voters of the city shall have the power to require reconsideration by the city commission of any adopted ordinance and, if the commission fails to repeal an ordinance so reconsidered, to approve or reject it at a city election, but such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, comprehensive planning, zoning, or salaries of city officers or employees.

Sec. 56. Commencement of proceedings.

Any five (5) registered voters of the city may commence initiative or citizen referendum proceedings by filing with the city clerk an affidavit stating that 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 or other official designated by the commission may, at the committee's request, issue the appropriate petition blanks to the petitioners' committee at the committee's expense.

Sec. 57. Petitions.

- (1) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten (10) percent of the total number of voters registered to vote in the city in the calendar month prior to the month in which the petition is filed.
- (2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by 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.
- (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she 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.
- (4) *Time for filing citizen referendum petitions.* Citizen referendum petitions must be filed within thirty (30) days after adoption by the commission of the ordinance sought to be reconsidered.

Sec. 58. Procedure for filing.

- (1) *Certificate of clerk; amendment.* Within twenty (20) days after the petition is filed, the city clerk shall complete a certificate as to its sufficiency, 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 Section 57. 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 or other official designated by the city commission within two (2) days after receiving the copy of the certificate and files a supplementary petition with additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs 1 and 2 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 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 petitioner's committee does not elect to amend or request commission review under paragraph (2) of this section within the time required, the clerk shall promptly present his or her certificate to the commission and the certificate shall then be a final determination as to the sufficiency of the petition.

- (2) *Commission 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) days after receiving the copy of such certificate, file a request that it be reviewed by the city commission. The city commission shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the commission's determination shall then be a final determination as to the sufficiency of the petition.
- (3). *Court review; New petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Sec. 59. Action on petitions.

- (1) *Action by commission.* When an initiative or citizen referendum petition has been finally determined sufficient, the city commission shall promptly consider the proposed initiative ordinance in the manner provided in Article II or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.
- (2) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one (1) year from the date of the final city commission vote thereon. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election otherwise the vote shall be held at the same time as such regular election, except that the commission may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available at the polls.
- (3) *Withdrawal of petitions.* An initiative or citizen referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the day scheduled for a vote of the city by filing with the city clerk a request for withdrawal signed by at least two-thirds (2/3 rds) 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.

Sec. 60. Results of election.

- (1) *Initiative.* If a majority of the registered voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the city commission. 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.
- (2) *Citizen Referendum.* If a majority of the registered voters voting on a referred ordinance vote against it, it shall be considered repealed upon certificated of the election results.

EXHIBIT "J"

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE II. THE CITY COMMISSION

Sec. 11. Number, selection, term, compensation.

- (1) There shall be A a city commission ~~is hereby created, to~~ consisting of a mayor-commissioner who shall represent the entire city and be elected at large by the voters of the city, and four (4) commissioners, each of whom shall represent a single member district and be elected by the voters in the district they represent. The mayor-commissioner and commissioners ~~who~~ shall be qualified as hereinafter prescribed, and ~~whose~~ their term of office shall begin on the first regular meeting of the city commission after their election. The term of office of the mayor-commissioner and the commissioners shall be two (2) years.
- (2) The present members of the city commission shall hold their seats for the term of office for which they were respectively elected, or until their successors have been elected and take office.
- (3) ~~The commission shall elect from among its members a mayor pro tem, who shall serve for a period of one year. The mayor-commissioner shall preside as chairperson of meetings of the commission, represent the city in intergovernmental relationships, present an annual state of the city message, and perform other duties as specified by the commission.~~ The mayor-commissioner, shall be recognized as head of the city government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties. ~~The mayor pro tem shall act as mayor during the absence or disability of~~

~~the mayor. Each~~ The mayor-commissioner as a city commission member shall have a voice and a vote in the proceedings of the commission; but no veto power.

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

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

Sec. 12. Qualifications.

(1) *Candidates.* Candidates for the city commission shall have been residents of the city for ~~two (2)~~ one (1) years immediately prior to ~~registering the end of the qualifying period~~ for the office, ~~[and] shall have the qualifications of electors in the city for said period~~ be registered voters for said period, and shall maintain residency and voter registration in the city. Members of the city commission shall not hold any other public office, except that of notary public, an office in the National Guard, or an office in the organized reserve of the armed forces of the United States. Any member of the city commission ceasing to possess the foregoing qualifications, or who shall be convicted of a crime involving moral turpitude, shall forfeit his office. Absence from four (4) consecutive regular meetings of the city commission shall operate to vacate the seat of a member, unless such absence is excused by the city commission by resolution setting forth the fact of such excuse duly entered upon the journal.

(2) *Members.* Members of the city commission must maintain the foregoing qualifications in subsection (1) during their term of office. In the event a commissioner fails to meet the residency and voter registration requirements for holding office solely as the result of a charter revision that occurs during the term of office, such commissioner shall not be deemed to have forfeited such office and may continue to serve in office for the remainder of the commissioner's term provided the commissioner maintains his/her residency and voter registration.

Sec. 13. Powers of city commission.

Except as otherwise provided in this Charter, ~~a~~ All powers of the city, and the determination of all matters of policy shall be vested in the city commission, except as otherwise provided by law or this charter, and the commission shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. Without limitation of the foregoing, the city commission shall have power to:

- ~~(1) — Be the judge of the election and qualification of its own members;~~
- ~~(2) — Authorize the issuance of bonds; revenue certificates, and other evidence of indebtedness;~~
- ~~(3) — Adopt and modify the official map of the city;~~
- ~~(4) — Provide for an independent audit;~~
- ~~(5) — Pass ordinances and laws for the preservation of the public peace and order, and impose penalties for the violation thereof; provided, that the maximum penalty to be imposed shall be a fine of not more than five hundred dollars (\$500.00) or imprisonment for a period of time not longer than sixty (60) days;~~
- ~~(6) — Deal with any property of the city, both real or personal, or mixed in any manner the commission may see fit to do in accordance with the general powers of the city;~~
- ~~(7) — Provide rules and regulations for all purchases and sales made for and in behalf of the city;~~
- ~~(8) — Appoint, remove and fix the compensation of the city manager, city attorney, city prosecutor, city auditor, city clerk, city tax assessor, and a certified public accountant to perform the annual audit;~~
- ~~(9) — Appoint advisory boards to serve without compensation;~~
- ~~(10) — Establish by ordinance, the conditions upon which subdivisions and other areas may be annexed by the City of Winter Garden;~~
- ~~(11) — Exercise any right or authority given or permitted by the Constitution and the laws of the State of Florida to city commissions consistent with or in addition to the provisions of this revised Charter;~~
- ~~(12) — By order of the city commission those officers listed in paragraph (8) above who are indicted for a felony will be suspended from office, without pay, until acquitted and the office filled by appointment for the period of suspension. By order of the city manager any other municipal officer or employee indicted for a felony will be suspended from office, without pay, until acquitted and the office filled as hereinbefore provided for the period of suspension.~~

Sec. 14. Limitations on powers of city commissionProhibitions.

- (1) Appointments and Removals. Neither the city commission nor any of its members shall direct or request the appointment of any person to, or his removal from, office by the city manager, or by any of his subordinates, or in any manner take

part in the appointment or removal of officers and employees in the administrative service of the city.

(2) *Interference with Administration.* Except for the purpose of an ~~inquiry~~ investigation under section 14(2) of this revised ~~pursuant to this~~ Charter, the city commission and its members shall deal with the administrative service solely through the city manager, and neither the city commission nor any members thereof shall give orders to any subordinates of the city manager, either publicly or privately. Any violation of this section upon the part of a member of the city commission shall constitute grounds for his recall.

~~(2) — The city commission, or any committee thereof, or any advisory board appointed by the city commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee under their [its] jurisdiction to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body, or by the officer making the investigation, and shall be served by an officer authorized to serve such process. The authority making such investigation shall have power to cause the testimony to be given under oath, such oath to be administered by some officers having authority under the laws of the state to administer oaths. Failure to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed sixty (60) days or both.~~

(3) *Holding other Office.* Except where authorized by law, members of the city commission shall not hold any other public office. No commission member shall hold any employment with the city during the commission member's term of office. No former commission member shall hold any compensated appointed office or employment with the city until one (1) year after the end of such member's last term of office. Nothing in this section shall be construed to prohibit the commission from selecting any current or former commission member to represent the city on the governing board of any regional or other intergovernmental agency, or from selecting any current commissioner to serve on a municipal board as an ex officio member.

Sec. 15. Creation of new departments.

~~The city commission by ordinance may create, change, and abolish offices, departments or agencies, other than the offices, departments, and agencies established by this revised Charter. The city commission by ordinance may assign additional functions or duties to offices, departments or agencies established by this revised Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this revised Charter to a particular office, department or agency.~~

Sec. 15. Forfeiture of Office.

A city commission member shall forfeit his/her office if during the term of office such commissioner:

- (a) Fails to maintain residency and voter registration requirements of section 12 of this charter;
- (b) Violates any express prohibition of this charter;
- (c) Is convicted of a crime involving moral turpitude; or
- (d) Fails to physically attend three (3) regular, consecutive commission meetings without being excused by the city commission.

Sec. 16 Judge of Forfeiture.

The city commission shall be the judge of the grounds for forfeiture of office for its members. In order to exercise these powers, the commission shall have the power to subpoena witnesses, administer oaths, and require the production of evidence. A commission member charged by two or more commissioners with conduct constituting grounds for forfeiture of office shall, upon request within five (5) business days of written notification of the charge, be entitled to a public hearing. Notice of such public hearing shall be published in a newspaper of general circulation in the city at least one week in advance of the hearing. At least three (3) members of the commission must approve the forfeiture of office of any commission member.

Sec. 1617. Vacancies in commission.

If any vacancy occurs in the city commission, the city commission shall elect within fifteen (15) days by the affirmative votes of not less than three (3) members, an eligible person to fill the vacancy until the next general or special election, at which time the office shall be filled for the unexpired term; provided, that if such vacancy is not filled within fifteen (15) days after it shall have occurred, appointment to fill the existing vacancy shall be made by the governor.

Sec. 24. Investigations.

The city commission may make investigations into the affairs of the city and the conduct of any city department, office, or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.

EXHIBIT "K"

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Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE III. CITY MANAGER

Sec. 29. Absence, disability or suspension.

To perform his duties during his temporary absence or disability, not to exceed thirty (30) days, the city manager ~~may~~shall designate, by letter filed with the city clerk, a qualified administrative officer of the city. In the event of the failure of the city manager to make such designation, the city commission may by resolution appoint an officer of the city to perform the duties of the city manager until he shall return, or his disability shall cease.

Sec. 30. Powers and duties.

The city manager shall be the chief executive officer ~~and head of the administrative branch of the city government except as herein provided~~of the city and He shall be responsible to the city commission for the ~~proper administration~~management of all city affairs ~~of the city and to that end, placed in the city manager's charge by or under this charter.~~ sSubject to Florida Statutes as from time to time amended, ~~he shall have power and shall be required to~~ the city manager shall:

- (1) Appoint ~~and, when necessary for the good of the city~~suspend, and remove all ~~officers and~~city employees ~~of the city and~~ appointive administrative officers, except as otherwise provided by law, this ~~C~~harter, or city ordinances. ~~and except as he~~The city manager may authorize any ~~the head of a department or office~~administrative officer to ~~appoint~~exercise these powers with respect to city employees and officers that are within, or ~~and remove~~ subordinates of that

administrative officer's in such department, or office, or agency, subject to the city manager's direction and supervision;

- (2) Fix the salary of officers and employees whose salary is not set by the city commission under this CharterDirect and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or law;
- (3) Endorse on all contracts, bonds and other instruments in writing in which the municipality is interested his approval of the substance thereofThe city manager shall have the right to take part in discussion at City Commission Meetings but shall not vote;
- (4) See that all laws, provisions of this charter and acts of the city commission, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (45) Prepare and submit the annual budget annually and submit it capital program to the city commission, and implement the final budget as approved by the city commission to achieve the goals of the city for approval;
- (56) Prepare and sSubmit to the city commission and make available to the public, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding year;
- (7) Make such other reports as the city commission may require concerning operations;
- (68) Keep the city commission fully advised in writing ofas to the financial condition and future needs of the city and make a report thereon on the second meeting of each month, and make such recommendations as may seem to him desirable;
- (79) Make Rrecommendations to the city commission, the salary and wage scale proposed for the ensuing year, noting thereon any proposed changes recommended concerning the affairs of the city and facilitate the work of the city commission in developing policy;
- (10) Provide staff support services for the mayor-commissioner and commission members;
- (11) Assist the city commission to develop long term goals for the city and strategies to implement these goals;
- (12) Encourage and provide staff support for regional and intergovernmental cooperation;

- (13) Promote partnerships among commission, staff, and citizens in developing public policy and building a sense of community;
- (14) Have the authority to execute contracts and other documents on behalf of the city to carry out the city's business and to effectuate the directives of the city commission; and
- (815) Perform such other duties as ~~may be prescribed by~~ are specified in this ~~revised~~ Charter or may be required ~~of him~~ by the city commission not inconsistent therewith.

ARTICLE IV. CITY DEPARTMENTS AND OFFICERS

Sec. 32. Departmental organization.

- (1) All department heads shall be appointed ~~and by the city manager with the approval of the city commission, but such department heads~~ may be removed by the city manager, unless otherwise as hereinbefore provided herein.
- (2) Each department as herein established, except the city auditor and the city attorney, shall be administered by an officer designated by, and subject under this Charter to the direction and supervision of the city manager. With the consent of the commission, the city manager may serve as the head of one or more departments; provided, however, the city manager shall not serve as the head of any department set out in Article IV of this revised Charter.
- (3) The work of each department shall be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the city manager. Pending the passage of an ordinance or ordinances distributing the work of the departments under the supervision and control of the city manager among specific divisions thereof, the city manager shall establish temporary divisions.
- (4) Officers and employees of the city may hold more than one office in the City of Winter Garden.

Sec. 33. City clerk.

The ~~city manager, with the approval of the~~ city commission, shall, by an affirmative vote of at least three (3) commissioners, appoint and have the power to remove a city clerk ~~for an indeterminate term and fix his compensation. His powers and duties shall be~~ who shall:

- (1) Give notice of city commission meetings to its members and the public; ~~To attend all meetings of the commission, and keep permanent minutes of its proceedings, which shall be approved and engrossed in a well bound book and signed by the mayor and attested by the clerk at the next regular meeting.~~

- (2) Keep the minutes of city commission proceedings and its committees.
- ~~(23) To be the custodian of the city seal, all ordinances and resolutions and all records and papers of a general or permanent character pertaining to the affairs of the city.~~
- ~~(3) To be clerk of the tax equalizing board.~~
- ~~(4) To preserve, file and index all contracts to which the city is a party, which file and record shall be open to the inspection of all interested persons at all reasonable times.~~
- ~~(5) To perform the posting of any ordinance, resolution, or proclamation when posting is provided for in this revised Charter.~~
- ~~(6) To perform such other duties appropriate to his office as may be imposed upon him by law, the ordinances of the city and by direction of the city manager.~~
- (4) Have the power to administer oaths.
- (5) Serve as the supervisor of municipal elections and be responsible for the conduct of such elections in the manner prescribed by state law, this charter, and city ordinances; provided however, the city commission may delegate any or all such municipal election duties and/or authority to the County Supervisor of Elections as deemed necessary by the city commission.
- (6) Perform such other duties as are assigned by this charter, the city commission, the city manager and state law. In the event of a conflict among duties assigned to the city clerk, the duties assigned by state law, this charter, the city commission and the city manager shall control in that order. The city manager shall not interfere with the city clerk's performance of duties set forth in subsections (1)-(5), unless otherwise approved by the city commission.

Sec. 34. City attorney; ~~prosecutor~~.

- (1) The city commission shall, by a an affirmative vote of at least three (3) commissioners, appoint, and have the power to remove and establish the compensation for, a city attorney who shall be the chief legal advisor of all offices, departments and agencies and of all officers and employees in matters relating to their official duties. ~~He shall represent the city in all legal proceedings.~~ It shall be his-the duty of the city attorney to perform all services incident to his-the position as may be required by statute, by this ~~revised~~ Charter or by ordinance.
- ~~(2) The city commission is authorized to appoint a city prosecutor whose primary responsibility and duty shall be to prosecute on behalf of and in the name of the city cases in and before the [municipal county] court of the city and to represent the city in all~~

~~appeals from the [municipal county] court. The city prosecutor shall perform such other duties as may be directed by the city attorney under whose direction and supervision he shall work.~~

Sec. 35. City engineer.

~~The city commission is authorized to hire or retain a city engineer at such compensation as shall be determined by the said city commission for the purpose of advising the commission and other city officers and employees on all matters pertaining to engineering. Said city engineer shall be a licensed engineer under the laws of the State of Florida.~~

Sec. 3635. Police department; chief of police.

(1) There is hereby created in the city a police department for the preservation and enforcement of law and order within the city. Such police department shall be composed of a chief of police and as many subordinate officers and employees as the city manager may direct.

(2) The chief of police will be hired and removed by the city manager with confirmation by a majority vote of the total city commission. The chief of police shall have exclusive control of the stationing and transfer of all ~~patrolmen and other~~ officers and employees constituting the police force, subject to the approval of the city manager, or under such rules and regulations as may be prescribed by the ordinances of the city.

~~(3) The chief of police and his deputies shall have the power and authority immediately to arrest, with or without warrant, in conformance with the general laws of the state pertaining to arrest, and also to take into custody any person who shall commit, threaten or to commit [or threaten to commit] in his presence or within his view, any offense prohibited by the ordinances and laws of the city, and shall without unnecessary delay bring the offenders before the [municipal county] court to be dealt with according to law.~~

~~(4) The chief of police, during the absence of or disability of the judge, or when the judge is not accessible for the reasonably prompt taking of bail, shall have power and authority to take temporary bail for the appearance of an accused person, and if such person fails to appear, the [municipal county] judge shall have power to declare such bond or security forfeited or estreated; provided, that the [municipal county] judge shall have power at any time after arrest of the accused and before sentence is imposed on production of the accused before him, to increase or decrease the amount of such bail as fixed by the chief of police, and if increased, to commit such accused person to custody until such increased or additional bail is provided.~~

(53) The chief of police shall ~~attend such meetings of the city commission as he shall be directed to attend and aid in the enforcement of order under the direction of the presiding officer. He shall execute the commands of the city commission and all processes issued by authority thereof which shall be issued to him by the mayor commissioner. He shall~~

~~[attend in person or by deputy the municipal court during its sittings; execute the commands and processes of said court, aid in the enforcement of order therein and]~~perform such other duties appropriate to ~~his~~the office as may be imposed upon ~~him~~the chief by law, the ordinances of the city, and by direction of the city manager, consistent with this act ~~[Charter]~~charter. ~~He shall have the right to suspend, subject to Florida Statutes as from time to time amended, any officer or employee of the police force because of incompetency, neglect of duty, immorality, drunkenness, failure to obey orders given by proper authority or for any other just and reasonable cause, and he shall immediately report the fact of such suspension to the city manager for final action.~~

EXHIBIT "L"

Words that are ~~stricken-out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE II. THE CITY COMMISSION

Sec. 18. Legislative procedure.

A majority of all members elected to the city commission shall constitute a quorum, but a less number may adjourn from day to day and compel the attendance of absent members in such a manner and under such penalty as may be prescribed by ordinance. The affirmative [vote] of three (3) members shall be necessary to adopt any ordinance or resolution ~~and the passage of all ordinances and resolutions shall be taken by "yeas" and "nays" and entered upon the journal.~~

Sec. 19. Adoption of ordinances; procedure; effective date.

- (1) All action by the city commission of a legislative character shall be by ordinance. Every proposed ordinance shall be introduced in written or printed form, and shall embrace but one subject and matter properly connected therewith, which subject shall be briefly expressed in the title; but general appropriation ordinances may contain the various subjects and accounts for which moneys are to be appropriated. The enacting clause of all ordinances shall be, "Be it Enacted by the City of Winter Garden."

- ~~(2) Each ordinance shall be introduced in writing and shall embrace but one subject and matters properly connected therewith. The subject shall be clearly stated in the title.~~

- (32) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall, at least ~~seven (7)~~ten (10) days prior to adoption, be noticed once in a newspaper of general circulation in the City of Winter Garden and the notice shall state the date, time and place of the meetings, the title or titles of proposed ordinances, and the place or places within the municipality where such proposed ordinances may be inspected by the public and comply with applicable statutory notice requirements. Said notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.
- (43) After such hearing, the commission may finally pass such ordinance with or without amendment, ~~except that if it shall make an amendment which constitutes a change of substance, it shall not finally pass the ordinance until it shall have caused the amended sections to be published at least once, together with a notice of the time and place when and where such amended ordinance shall be further considered, which publication shall be at least three (3) days prior to the time and place to which such meeting shall be adjourned, the amended ordinance shall be read in full and a public hearing thereon shall be held and after such hearing the governing body may finally pass such amended ordinance, or again amend it subject to the same conditions.~~ The second passage of any ordinance pursuant to this revised Charter shall be final and no further passage shall be required. All adopted ordinances shall become effective ten (10) days after adoption unless otherwise specified therein.
- ~~(5) After final passage every ordinance shall again be published or posted three (3) places in the city, one of which shall be city hall.~~
- (64) If a proposed ordinance is defeated either on the first or second reading, the same cannot be again reconsidered for a period of ninety (90) days.

EXHIBIT ‘M’

Words that are ~~stricken-out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE VII. CHARTER REVIEW AND AMENDMENT

Sec. 61. Charter review; amendment.

- (1) *Charter review.* The city commission shall appoint a citizens’ charter review committee to review this charter a minimum of once every eight (8) years and to report its proposed changes, if any, to the city commission.
- (2) *Charter amendment.* This charter may be amended in accordance with general law.

EXHIBIT “N”

Words that are ~~stricken out~~ are deletions; words that are underlined are additions. * indicates omitted charter sections that shall not be changed by the amendments proposed herein. Words that are not shown stricken or underlined will not be modified unless otherwise changed by approval of other amendments proposed in this referendum.**

Upon approval of this Amendment, articles, sections, and subsections may be renumbered or relettered for editorial purposes and such renumbering or relettering shall not constitute nor be considered a substantive change to the charter amendment as adopted. If other charter amendments are adopted at the same referendum as the amendments set forth herein and such other approved charter amendments are determined to conflict with those amendments contained herein, to the extent of such conflict, amended language shall govern over unamended language and amendments removing or replacing charter provisions shall prevail over amendments that merely revise or otherwise change language within such removed or replaced provisions.

The following amendments to the Charter of the City of Winter Garden, upon approval of the electors of the City at a citywide referendum, are hereby adopted and incorporated into such Charter:

ARTICLE II. THE CITY COMMISSION

Sec. 23. Independent audit required.

~~Prior to the end of each fiscal year, the city commission shall designate a certified public accountant who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and shall submit his report to the city commission, city manager and such other persons as the city commission may designate. Such accountant shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. He shall not maintain any accounts or records of the city business, but, within specifications approved by the city commission, shall post audit the books and documents kept by any office, department or agency of the city government.~~

ARTICLE VIII. FISCAL MANAGEMENT

Sec. 62. Fiscal Year.

~~The fiscal year of the city shall begin on the first day of October and end on the thirtieth day of September of each year.~~

Sec. 63. Submission of budget; budget message.

Each year, the city manager shall submit to the city commission a budget in accordance with state law and an accompanying message.

Sec. 64. Budget.

The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city commission may require for effective management and understanding of the relationship between the budget and the city's strategic goals.

Sec. 65. Amendments after adoption.

- (1) *Supplemental appropriations.* If during the fiscal year the city manager certifies that there are available revenues for appropriation in excess of those estimated in the budget, the city commission by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (2) *Emergency appropriations.* To address a public emergency affecting life, health, property or the public peace, appropriations may be made by an emergency ordinance. To the extent that there are no available unappropriated revenues or fund balances to meet such appropriations, the city commission may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time; but the emergency notes and renewals of any fiscal year shall be paid no later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
- (3) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city manager that the revenues or fund balances available will be insufficient to finance the expenditures for which appropriations have been authorized, the city manager shall report to the city commission, without delay, the estimated amount of the deficit, any remedial action taken by the city manager and the city manager's recommendations as to any other steps to be taken. The city commission shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- (4) *Transfer of appropriations.* At any time during the fiscal year, the city commission may by resolution transfer part or all of any unencumbered appropriation balance from one department, fund, service, strategy or organizational unit to the appropriation for other departments or organizational unit or a new appropriation. The city manager may transfer funds among programs within a department, fund, service, strategy or organizational unit and shall report transfers to the city commission in writing in a timely manner.
- (5) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred, except to the extent that the debt is refinanced and less debt service is required, and no appropriation may be reduced below any amount required by law to be

appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec. 66. Capital Program.

The city commission shall follow state law in the submission and adoption of a capital program.

Sec. 67. Issuance of Bonds.

The city may issue general obligation bonds, revenue bonds, excise tax bonds, sales tax bonds, other bonds, certificates of indebtedness and other forms of indebtedness in accordance with state law.

Sec. 68. Independent Audit.

The city commission shall provide for an independent annual audit of all city accounts in accordance with state law.

ARTICLE VIII. TAX ADMINISTRATION

Sec. 54. License taxes.

~~(1) — The city commission is authorized to levy and impose license taxes, by ordinance, for the purposes of regulation and revenue, upon all occupations and upon any and all privileges, and to create and fix the amounts to be paid, without regard to the amounts fixed for state and county license taxes; to provide for the collection of the same, and to provide for penalties for failure or refusal to pay such licenses. All such licenses so imposed shall constitute a legal indebtedness to the city which may be recovered in any court of competent jurisdiction. Licenses shall be issued for the periods and be transferable as provided by the general law for state licenses. The agent or agents of nonresident proprietors shall be severally responsible for carrying on business in like manner as if they were proprietors. The fact that any person, firm or corporation, reporting himself or itself as engaged in business, calling, profession, or occupation, for the transaction of which a license is required, or that person exhibiting a sign or advertisement indicating engagement in such business, calling, profession, or occupation, shall be conclusive evidence of the liability of such person, firm or corporation to pay a license.~~

~~(2) — The licensing and taxing power herein conferred shall include the power to license and tax businesses, occupations, privileges and trades, which have a situs outside the city, but which transact, solicit, or engage in any business in the city, or render any service therein, or place any profit making machine, devise [device] or contrivance therein. In addition to providing a penalty for violating any such licensing, or taxing ordinance, collection or~~

~~enforcement of such license fee or tax may be enforced by distress warrant in [the] manner provided for collection of personal property taxes, or by appropriate injunction against violators of the ordinance. The city may refuse to issue licenses to any person, firm, or corporation for continued failure to comply with any lawful ordinance of the city. Such licenses may be issued upon such conditions as may be imposed by ordinance.~~

~~Sec. 55. Purpose of taxes; limits.~~

~~The city commission shall have the right to raise by taxation on the taxable property within the corporate limits of the City of Winter Garden, and on licenses, such amounts as may be necessary to carry on the government of said city, not to exceed ten (10) mills (except as otherwise provided by law) on the dollar of the assessed valuation of such taxable property as set forth in the county assessment rolls; and, in addition thereto, shall have the right to levy such additional taxes as may be necessary to pay the interest on, and to provide a sinking fund for the ultimate redemption of the outstanding bonds of said city, and such additional bonds of said city as may from time to time be issued in accordance with law; and to pay any lawful judgment which the city may be compelled to satisfy.~~

~~Sec. 56. Taxes; additional millage.~~

~~There may be levied additional millage when authorized by the laws of the State of Florida.~~

~~Sec. 57. Levy of taxes; transmittal to collector; assessor's certificate, warrant.~~

~~As soon as practicable after the receipt of the assessment roll, the city commission shall determine the amount and fix the rate of taxation and make the annual tax levy for the current year. The city clerk shall notify the county property assessor of such amounts.~~

~~If, in any year, the city commission shall fail to pass an ordinance levying a millage, or if the levy in any year shall be invalid or inoperative, the returns of taxes and tax levies for the fiscal year shall be the same as it was the year before, item for item.~~

~~Sec. 58. Tax liens.~~

~~All taxes on real and personal property shall be a lien superior to all others and shall relate back to the first day of January of the year for which they are assessed and levied. The taxes on real property shall be and remain a lien thereon until paid, and the said lien or any proceedings to enforce it and to collect the taxes on real property shall not be barred by any statute of limitations now existing, nor shall the statute of limitations hereafter enacted which does not in terms refer to the lien of the taxes of the City of Winter Garden and the proceedings to enforce it and to collect the taxes.~~

~~Sec. 59. Enforcement of property taxes.~~

~~The lien of any and all taxes, except special assessments, shall be enforced as provided for in F.S. ch. 197, as from time to time may be amended.~~

~~ARTICLE IX. SPECIAL ASSESSMENTS~~

~~Sec. 60. Time for payment of assessments; installment payment.~~

~~Special assessments, for whatever purpose levied, may be made payable in installments, but assessments for permanent improvements may be made payable within three (3) years in annual or more frequent installments, and assessments for current services [shall be payable within the year during which the service] is rendered.~~

~~Sec. 61. Resolution declaring intention required for special assessments.~~

~~Prior to the exercise of any powers conferred by this revised Charter, the commission shall declare by resolution its intention to exercise such powers for a stated municipal purpose. Such resolution shall describe generally the contemplated purpose, and shall direct the city manager to have a report prepared thereon. If the contemplated purpose consists of a work, service, or improvement, any portion of the cost which is to be assessed against property deemed to be benefited thereby, the resolution shall also specify the portion of the cost so to be assessed, the limits of the proposed area of assessment, the method of spreading the assessment over the parcels of property within that area, and the number of installments in which the assessments may be paid. The commission shall cause a copy of the resolution to be published at least once within seven (7) days after its adoption in a newspaper of general circulation within the city.~~

~~Sec. 62. City manager to furnish plans, estimates of costs and apportionment.~~

~~The report hereinbefore required by this article shall consist of a detailed estimate of the cost of the proposed work, service or improvement, including all necessary surveys, plans, profiles and specifications; estimates of the value of and proposed awards of compensation for any land or other property proposed to be taken or damaged; estimates of the amount of assessment for benefits to be levied against each parcel of property affected; a statement showing the amount of any delinquent taxes or assessments outstanding against each parcel, and showing the amount of special assessments levied, but not yet delinquent, outstanding against each parcel, including assessments levied by all taxing agencies if any are known; and statement by the city manager or such other officer as shall be designated for the full value as determined for the assessment of taxes for the last preceding year of each parcel of property against which any benefit is to be assessed. A copy of the report when completed, shall be placed onfile for public inspection in such office of the city as the city manager may designate.~~

~~Sec. 63. Computation of cost and apportionment.~~

~~The cost of any work, service or improvements, to be paid in whole or in part by assessments on property specially benefited may include the direct cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of assessments, a reasonable charge for the services of the administrative staff of the city, and any~~

~~other item of cost which may reasonably be attributed to the proposed work, service or improvement; and the amount to be assessed against all property specially benefited by any such proposed work, service or improvement shall be apportioned among the individual parcels in proportion to their respective special benefits in the manner designated by the commission in the preliminary resolution. If any property deemed benefited shall by reason of any provision of law be exempt from assessment, a proportionate share of the cost shall be assessed against such property and such assessment may be paid by the city.~~

~~Sec. 64. Hearing on special assessments required; notice.~~

~~Upon the completion and filing of said report hereinbefore required by this article, the city manager or such other officer as shall be designated shall cause notice to be given stating the nature of the proposed work, service or improvement; the place and time at which the report may be inspected; and the place and time at which all persons interested, or their agents or attorneys, may appear before the board of equalization hereinafter provided, and be heard concerning the matters contained in the preliminary resolution and the report. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property assessed, and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the city. The city manager or such other officer as shall be designated shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice[,] but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of the hearing shall be at least ten (10) and not more than thirty (30) days after the city manager or such officer as shall be designated shall have completed publication and service of notice as provided in this section.~~

~~Sec. 65. Effect of insufficient or excessive special assessments.~~

~~No special assessment shall be held invalid because the amount thereof is either more or less than the amount required for the work, service or improvement for which made. If the amount be more than necessary, the excess shall first be credited on any unpaid installments of the assessments already levied against the individual parcels of property and any balance then remaining shall be refunded to the property owners in proportion to those assessments. If the amount assessed be less than necessary, or if the court upon appeal shall award a greater sum or assess a lesser sum than that appealed from, the additional amount required may, in the discretion of the commission, either be paid by the city from any funds available therefor or be assessed against the property benefited by the work, service or improvement and added to the original assessment. Whenever any such additional assessment is to be made, the commission shall by resolution refer the matter to the board of equalization which, upon not less than ten (10) days' notice of the time and place of meeting published in a newspaper of general circulation in the city, shall meet and hear all parties in interest whose property would be affected by such additional assessment. Thereafter, all the proceedings of any case shall be the same as provided by this revised Charter in case of an original assessment, including the right of appeal to the circuit court.~~

~~Sec. 66. Annulment, abandonment of special assessment or condemnation proceedings.~~

~~All proceedings begun under this article, may, by resolution of the commission be abandoned in whole or in part at any time during the pendency thereof or within sixty (60) days after the final order of any court upon appeal from an award or assessment. When proceedings are abandoned by resolution of the commission, as provided by this section, the commission may not begin new proceedings involving the same work, service, improvement, or action within six (6) months after abandonment. If prior to the resolution of abandonment, possession of condemned property has been taken, the owner shall have a right of action to recover damages for the use and occupation with interest thereon from the date when possession was taken, with due allowance for attorney's fees and costs.~~

~~Sec. 67. Collection and enforcement of special assessments.~~

~~The lien on all special assessments shall be enforced by F.S. ch. 173, as from time to time may be amended.~~

~~ARTICLE X. BOARD OF EQUALIZATION~~

~~Sec. 68. Composition, duties and authority.~~

~~A board of equalization of the city shall be composed of the city commission and the clerk to hear and determine all matters pertaining to the revision of special assessments. For the purpose of carrying out its powers and duties as conferred by this Charter, the board shall have power to take sworn testimony, subpoena witnesses, administer oaths, and compel the production of books, papers, documents and other evidence, and shall be required to provide for and to preserve a stenographic transcript of its hearings and proceedings.~~

~~Sec. 69. Conduct of special assessment hearings.~~

~~The board of equalization shall meet from time to time as often as necessary for prompt disposal of its official business and at the time and place specified in any notice given as hereinbefore provided it may continue to meet by adjournment to such time and place as it may deem proper until all parties in interest shall have had a reasonable opportunity to be heard.~~

~~Sec. 70. Report by board to commission.~~

~~After the hearing upon any proposed work, service, improvement or action the board of equalization may approve as originally made or may modify the report prepared by the city manager as hereinbefore provided in any way it deems necessary to accomplish a fair and equitable assessment of benefits or award of damages or compensation, not inconsistent with the provisions of this Charter. Thereafter it shall send the report to the commission as modified and approved, together with any additional recommendations or information it may wish to include.~~

~~Sec. 71. Setoff of assessments against awards.~~

~~If any assessment of benefits be made against any property and an award of compensation or damages be made in favor of the same property, the board of equalization shall, in its report to the commission, assess against or award in favor thereof, as the case may be, only the difference between such assessment of benefits and the award of damages or compensation.~~

~~Sec. 72. Consideration of report by commission.~~

~~Any report made to the city commission by the board of equalization, as hereinbefore provided, shall lie over until the next regular meeting of the commission occurring at least one (1) week after the reception thereof. Thereafter, the commission may approve the report as submitted, modify, reject, or refer it back to the board for further hearings, consideration, and report. Thereafter the board shall again submit its report to the commission which shall proceed as in the case of an original report.~~

~~Sec. 73. Final report and ordinance.~~

~~Whenever the commission determines to proceed with the work, service, improvement, or action described in any report of the board of equalization, it shall pass an ordinance confirming such report and directing that such work, service, improvement, or action be carried out in accordance with its preliminary resolution and the report as finally approved by [the] commission. Upon the passage of this ordinance, any work, service, improvement, or action provided for therein shall, subject to the provisions of this article, be deemed legally authorized and all awards of damages or compensation and assessments or benefits so provided for shall be deemed duly and legally made.~~

~~Sec. 74. Administrative review of special assessments.~~

~~(a) — Any owner of an interest in property which is affected by the ordinance hereinbefore provided, may within twenty (20) days from the date of publication of the ordinance file with the board of equalization a petition for rehearing and reconsideration of the award of compensation or assessment of benefits, or both, on any one or more of the following grounds:~~

- ~~(1) — Fraud or bad faith in the adoption by [the] commission of the ordinance or preliminary resolution;~~
- ~~(2) — Irregularities in the acts and proceedings of [the] commission or the board of equalization prejudicial to such property interest;~~
- ~~(3) — Inadequacy of the award of compensation or excessive character of the assessment of benefits.~~

~~(b) — The board of equalization may take further evidence and shall fully consider the merits of each petition for review. If the board of equalization does not issue its decision within thirty (30) days from the filing of a petition, the relief demanded therein shall be deemed denied. Upon such rehearing the board of equalization may increase or decrease the~~

~~award of compensation or assessments of benefits, and shall certify its decision to the city manager or such other officer as shall be designated and who shall record such changes on the assessment roll and other appropriate financial records.~~

~~Sec. 75. Judicial review of special assessments.~~

~~An appeal from any decision of the board of equalization made pursuant to the immediately preceding action may be taken by an interested party to the circuit court, in conformity with general law. No objection which could have been made at the rehearing before the board of equalization shall be raised for the first time upon such appeal. The city manager or such other officer as shall be designated shall be served with a copy of the notice of appeal and within five (5) days after service of such notice he shall transmit to the clerk of the court a certified copy of the report of the board of equalization as confirmed and approved by the commission. Upon appeal pursuant to this section, the court may render a judgment affirming, annulling or modifying, and affirming as modified, the action or decision of the board.~~

~~Sec. 76. Effect of insufficient or excessive special assessments.~~

~~No special assessment shall be held invalid because the amount thereof is either more or less than the amount required for the work, service or improvement for which made. If the amount be more than necessary, the excess shall first be credited on any unpaid installments of the assessments already levied against the individual parcels of property and any balance then remaining shall be refunded to the property owners in proportion to those assessments. If the amount assessed be less than necessary, or if the court upon appeal shall award a greater sum or assess a lesser sum than that appealed from, the additional amount required may, in the discretion of the commission, either be paid by the city from any funds available therefore or be assessed against the property benefited by the work, service or improvement and added to the original assessment. Whenever any such additional assessment is to be made, the commission shall by resolution refer the matter to the board of equalization which, upon not less than ten (10) days' notice of the time and place of meeting published in a newspaper of general circulation in the city, shall meet and hear all parties in interest whose property would be affected by such additional assessment. Thereafter, all the proceedings of any case shall be the same as provided by this revised Charter in case of an original assessment, including the right of appeal to the circuit court.~~

~~ARTICLE XI. FINANCE*~~

~~Sec. 77. Bond authorized; definitions.~~

~~General obligation bonds, revenue bonds, excise tax bonds and assessment bonds may be issued under the provisions of this article. Whenever, the word "bond" or "bonds" only is used in this article such word shall include the general obligation bonds, revenue bonds, excise tax bonds and assessment bonds provided for in this article to the full extent that the provisions of this article are applicable to such different types of bonds. The city may in its discretion designate any of such bonds as certificates instead of bonds.~~

~~Sec. 78. General obligation bonds authority; security; limitation.~~

- ~~(1) — The city shall have the power to issue general obligation bonds to finance the cost or part of the cost of the construction, acquisition, reconstruction, extension, repair or improvement of any works, properties, improvements or other purposes, except for the payment of current expenses, which the city is authorized by this Charter, or any other law to construct, acquire or undertake; provided, however, that, except for refunding bonds, no general obligation bonds shall be issued unless the issuance thereof shall have been approved by the qualified electors residing in said city at an election called and held in the manner provided by this revised Charter and statutes of the State of Florida relating to such elections.~~
- ~~(2) — The full faith and credit of the city shall be pledged for the payment of the principal of and interest on such general obligation bonds and the city shall be unconditionally and irrevocably obligated to levy ad valorem taxes on all taxable property in said city without limitation as to rate or amount to the full extent necessary for the payment of such principal and interest on such general obligation bonds and for any reserve funds provided therefor.~~
- ~~(3) — The aggregate principal amount of such general obligation bonds outstanding at any one time shall not exceed twenty five per centum (25%) of the aggregate principal amount of the assessed value of all taxable property, both real and personal, in said city as shown by the assessment roll then in effect for taxation of such real and personal property for municipal purposes; provided, however, that any revenue bonds, excise tax bonds or assessment bonds for which the full faith and credit and taxing power of the city shall have been pledged as additional security as provided in this article shall be excluded in determining the power of the city to issue general obligation bonds under the limitations contained in this paragraph.~~

~~Sec. 79. Revenue bonds—Authorized; purpose.~~

~~The city shall have power to construct, acquire, repair, improve, extend and operate water systems, sewer systems, gas systems, electric systems, public parking systems, including both off street and on street public parking facilities, and to issue from time to time revenue bonds payable from the revenue derived from such water systems, sewer systems, gas systems, electric systems, public parking systems, or any other revenue producing undertakings or enterprises which the city is authorized by this Charter or any other law to construct or acquire, (hereinafter referred to as "revenue undertakings"), or any combination of such systems or other revenue undertakings to finance or refinance the cost or part of the cost of the acquisition, construction, reconstruction, repair, extension or improvement of such systems or other revenue undertakings or any combination thereof, including the acquisition of any property, real or personal, or mixed, therefor or other costs in connection therewith.~~

~~Sec. 80. Same—Consolidation of undertakings authorized.~~

~~Any two (2) or more of such systems or other revenue undertakings may be combined and consolidated into a single revenue undertaking, and may thereafter be operated and maintained as a single revenue undertaking. The revenue bonds authorized herein may be issued to finance any one or more of such revenue undertakings separately, or to finance two (2) or more of such revenue undertakings and regardless of whether or not such revenue undertakings have been combined and consolidated into a single revenue undertaking as provided herein. If the governing body of the city deems it advisable, the proceedings authorizing such revenue bonds may provide that the city may thereafter combine the revenue undertakings then being financed or theretofore financed with other revenue undertakings to be subsequently financed by the city and that revenue bonds to be thereafter issued by the city to finance such subsequent revenue undertakings shall be on a parity with the revenue bonds then being issued under such terms, conditions and limitations as shall be provided, and may further provide that the revenues to be derived from the subsequent revenue undertakings shall at the time of the issuance of such parity revenue bonds be also pledged to the holders of any revenue bonds theretofore issued to finance the revenue undertakings which are later combined with such subsequent revenue undertakings.~~

~~Sec. 81. Same--Additional security.~~

~~The city shall also have power to pledge as additional security for such revenue bonds issued under this article any utilities services taxes, cigarette taxes, franchise taxes, occupational license taxes, or any other excise taxes or other funds which the city may have available to pledge to the payment of the principal of or interest on such revenue bonds, and for reserves therefor, except moneys derived from ad valorem taxes, or any two (2) or more of such excise taxes or other funds.~~

~~Sec. 82. Excise tax bonds.~~

~~The city shall also have power to issue from time to time excise tax bonds payable from the proceeds of utilities service taxes, cigarette taxes, franchise taxes, occupational license taxes, or any other excise taxes or other funds which the city may have available to pledge to the payment of the principal of and interest on said excise tax bonds, except moneys derived from ad valorem taxes, to finance or refinance the cost or part of the cost of the construction, acquisition, reconstruction, extension, repair or improvement of any works, properties, improvements or other purposes, except for the payment of current expenses, which the city is authorized by this Charter or any other law to construct, acquire or undertake.~~

~~Sec. 83. Assessment bonds.~~

~~(1) — The city shall have the power to issue assessment bonds to finance the cost, or part of the cost, of any works or improvements which the city is authorized by this revised Charter or any other law to construct, reconstruct or improve and to specifically assess the cost, or part of the cost, thereof against the lands and real estate specially benefited thereby, and to pledge for the payment of such assessment bonds all or any part of the special assessments levied or to be levied for such works or improvements. The proceedings authorizing the issuance of such assessment bonds may provide that all such special~~

~~assessments levied for such works or improvements may be deposited in a special fund, which may be pledged for the payment of such assessment bonds, and for reserves therefor. The city may also pledge as additional security for such assessment bonds any special assessments theretofore levied for other works or improvements.~~

- ~~(2) — The city shall also have power to issue assessment bonds and to pledge for the payment thereof any special assessments theretofore levied for any such works or improvements, regardless of whether such special assessments have been levied for any one work or improvement, or for two (2) or more works or improvements, and regardless of the times when such special assessments were levied for such works, betterments or improvements. The proceedings authorizing the issuance of such assessment bonds may provide that all such special assessments levied for such works or improvements may be deposited in a special fund which may be pledged for the payment of such assessment bonds and for reserves therefor.~~
- ~~(3) — The proceedings authorizing the issuance of any of such assessment bonds may provide that any special assessments, or any part thereof, pledged for the payment thereof, regardless of the time of the levy of such special assessments, may be paid in full, with or without interest in the discretion of the city, within a period to be determined by the governing body of the city, and that after the expiration of such period the annual installments of such special assessments becoming due thereafter may not be paid prior to the maturity dates of such annual installments except upon payment of all interest due or to become due to the respective maturity dates of such annual installments or under such terms and conditions as to prepayment of such annual installments as the governing body of the city shall determine.~~
- ~~(4) — The power to issue the assessment bonds provided for in this article shall be deemed additional and supplemental authority and shall not affect the power of the city to issue assessment bonds or other assessment obligations under any other provisions of this revised Charter or under any other law.~~
- ~~(5) — The city shall also have power to pledge any special assessments as additional security for the payment of any revenue bonds or excise tax bonds issued to finance the works or improvements for the cost, or part of the cost, of which said special assessments have been or are to be levied, under such terms and conditions as the governing body of the city shall determine.~~

Sec. 84. Items included in cost of works financed by bonds.

~~The cost of any works, properties, improvements or other purposes financed by the issuance of bonds under this article shall include, but not be limited to, construction costs, engineering, fiscal or financial and legal expenses, surveys, plans and specifications, interest during construction or acquisition and for one (1) year thereafter, initial reserve funds, discount, if any, on the sale or exchange of bonds, acquisition of real or personal property, including franchises, and such other costs as are necessary and incidental to the construction or acquisition of such works, properties, improvements or other purposes and the financing thereof. The city shall have power to retain and enter into agreements with engineers, fiscal agents or financial~~

~~advisers, attorneys, architects or other consultants or advisers for the planning, supervision and financing of such works, properties, improvements or other purposes upon such terms and conditions as shall be deemed advisable to the governing body of the city.~~

~~Sec. 85. Pledge of taxing power on revenue, excise tax or assessment bonds.~~

~~(1) — The city shall also have power to pledge as additional security for the payment of any revenue bonds, excise tax bonds or assessment bonds its full faith and credit and ad valorem taxing power, and to provide that such revenue bonds, excise tax bonds or assessment bonds shall be payable to both principal and interest and reserves therefor, from ad valorem taxes levied on all taxable property in the city without limit as to rate or amount to the full extent that any revenues, excise taxes or special assessments, or any combination thereof, pledge[d] therefor are insufficient for the payment of the principal of and interest on such revenue bonds, excise tax bonds, or assessment bonds, and reserves therefor; provided, however, that the full faith and credit and taxing power of the city shall not be pledged for the payment of such revenue bonds, excise tax bonds or assessment bonds unless the issuance of the same has been approved at an election of the qualified electors residing in said city called and held in the manner provided in the Constitution and statutes of the State of Florida.~~

~~(2) — Notwithstanding any other provisions of this revised Charter or of any other law or laws to the contrary, however, no approval of the qualified electors residing in said city, or any referendum or election of any kind relating to the issuance thereof, shall be required for the issuance of any of said revenue bonds, excise tax bonds or assessment bonds unless the full faith and credit and ad valorem taxing power of the city is pledged for the payment of such revenue bonds, excise tax bonds or assessment bonds.~~

~~Sec. 86. Authorization, provisions, sale of bonds.~~

~~(1) — The provisions of this section shall apply to any general obligation bonds, revenue bonds, excise tax bonds or assessment bonds issued under this article, said bonds may be authorized by ordinance of the governing body of the city, which may be adopted in the manner provided in this revised Charter for the adoption of ordinances. Said bonds shall bear interest at a rate or rates not exceeding six per centum (6%) per annum, may be in one or more series, may bear such date or dates, may mature at such time or times not exceeding forty (40) years from their respective dates, except that assessment bonds shall not mature later than two (2) years after the maturity of the last annual installment of the special assessments pledged for the payment of such assessment bonds, may be payable in such medium of payment, at such place or places within or without the state, may carry such registration privileges, may be subject to such terms or prior redemption, with or without premium, may be executed in such manner, may contain such terms, covenants and conditions, and may be in such form otherwise as such ordinance or subsequent ordinances shall provide. Said bonds may be sold, or exchanged for refunding bonds, or delivered to contractors in payment for any part of the works or improvements financed by such bonds, or delivered in exchange for any properties, either real, personal or mixed, including franchises, to be acquired for such works or improvements, all at one time or in~~

~~blocks from time to time, in such manner as the governing body of the city in its discretion shall determine, and at such price or prices computed according to standard tables of bond values, as will yield to the purchasers, or the holders of outstanding obligations surrendered in exchange for refunding bonds or the contractors paid with such bonds, or the owners of any properties exchanged for such bonds, income at a rate not exceeding six per centum (6%) per annum to the stated maturity dates of the bonds on the money paid or the principal amount of outstanding obligations exchanged for refunding bonds, or the amount of any indebtedness to contractors paid with such bonds, or the value of any properties exchanged for said bonds.~~

- ~~(2) Pending the preparation of the definitive bonds, interim certificates or receipts or temporary bonds in such form and with such provisions as the governing body of the city may determine may be issued to the purchaser or purchasers of the bonds issued hereunder. Said bonds and such interim certificates or receipts or temporary bonds shall be fully negotiable and shall be and constitute negotiable instruments within the meaning of and for all purposes of the Law Merchant and the Negotiable Instruments Law of the State of Florida.~~
- ~~(3) Said bonds may be issued to refund any obligations theretofore issued to finance such revenue undertakings, works or improvements theretofore issued under any law or laws, or for the combined purpose of refunding such outstanding obligations and the construction, reconstruction, extension or improvement of such revenue undertakings, works or improvements, or any other revenue undertakings, works or improvements.~~

ARTICLE XII. MISCELLANEOUS PROVISIONS

~~Sec. 94. Fiscal year.~~

~~The fiscal year of the city shall begin on the first day of October and end on the thirtieth day of September of each year.~~

ORDINANCE 07-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA MODIFYING THE CITY'S GENERAL MUNICIPAL ELECTION DATES TO COINCIDE WITH THE PRESIDENTIAL PREFERENCE PRIMARY DATE IN 2008; PROVIDING FOR A 14-DAY QUALIFYING PERIOD AND SCHEDULE FOR RUN-OFF ELECTION TO BE APPLIED IN CONJUNCTION WITH SAID ELECTION; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, on May 21, 2007, Governor Charlie Crist signed House Bill 537 into the Laws of Florida to be effective on July 1, 2007 and codified as § 101.75(3), Florida Statutes (2007); and

WHEREAS, § 101.75(3), Fla. Stat. (2007), authorizes municipalities to change by ordinance the dates of their municipal elections held in March to coincide with the 2008 presidential preference primary to be held in January of 2008; and

WHEREAS, Chapter 2, Article IV of the City of Winter Garden Code currently provides that the regular general election for members of the City Commission shall be held on the second Tuesday in March of each year; and

WHEREAS, § 101.75(3), Fla. Stat. (2007), further provides that municipalities adopting an ordinance changing the date of a municipal general election to the date coinciding with the presidential preference primary shall specifically provide for a qualifying period of no less than fourteen (14) days; and

WHEREAS, if the City of Winter Garden, Florida (hereinafter referred to as the "City") were to conduct a separate General Municipal Election in March, the City would otherwise be responsible for the total election costs; however, in opting to hold its 2008 general election in conjunction with the presidential preference primary, the City will be responsible only for the costs of legal advertising and any separate ballots that may or may not be required, resulting in a significant financial savings to the City; and

WHEREAS, the City Commission deems it to be in the best interests of the citizens and residents of the City to change the dates of its General Municipal Election otherwise to be held in March of 2008, to coincide with the presidential preference primary to be held in January of 2008.

NOW, THEREFORE, BE IT ENACTED BY THE CITY OF WINTER GARDEN, FLORIDA THAT:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as true and correct and incorporated herein by this reference.

Section 2. *2008 Presidential preference primary.* As authorized by general law, in January of 2008, the City shall hold its general election so that such coincides with the date of Florida's presidential preference primary. The following provisions shall apply to the 2008 municipal election held in conjunction with the presidential preference primary notwithstanding any city charter provision or ordinance to the contrary:

- (a) The qualifying period for such election shall commence at noon on Tuesday, November 6, 2007, and shall terminate at noon on the fourteenth (14th) day following the date of commencement, more specifically identified as Tuesday, November 20, 2007.

(b) In the event that the results of the general election held in conjunction with Florida's presidential preference primary require a run-off election, such run-off election shall be held on Tuesday, February 26, 2008.

Section 3. *Filing fee and election assessment.* A candidate for the Office of Mayor or City Commissioner, at the time of obtaining a candidate package, shall pay a municipal filing fee of \$15 and an election assessment in accordance with § 99.093, Fla. Stat.

Section 4. All Ordinances or parts of Ordinances, Resolutions or parts of Resolutions in conflict herewith are hereby made ineffective to the extent of such conflict.

Section 5. If any clause, section or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

Section 6. This Ordinance shall take effect immediately upon its adoption.

FIRST READING THIS 12th DAY OF July, 2007.

SECOND READING AND PUBLIC HEARING THIS 26th DAY OF July, 2007.

APPROVED:

H. GERALD JOWERS, MAYOR PRO TEM

ATTEST:

KATHY GOLDEN, CITY CLERK

RESOLUTION NO. 07-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, ESTABLISHING A COMPREHENSIVE RECORDS MANAGEMENT PROGRAM; ESTABLISHING GOALS AND OBJECTIVES; DEFINING PUBLIC RECORDS; ADOPTING RECORDS SCHEDULES; DESIGNATING A RECORDS MANAGEMENT LIAISON OFFICER; ESTABLISHING A RECORDS ADVISORY COMMITTEE; PRESERVATION OF RECORDS; AND METHOD OF RECORDS DESTRUCTION; PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the City of Winter Garden has accumulated numerous records over the years; and

WHEREAS, records management is an administrative service that should be continued systematically over time; and

WHEREAS, a records management program can save the City money by cutting down on the number of files required to store obsolete records, by staff time save in retrieval of records, and by transferring semi-current records to a central storage location,

WHEREAS, Chapter 119, Florida Statutes, requires all agencies to establish a program for the disposal of records that do not have sufficient legal, fiscal, administrative, or archival value,

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER GARDEN, FLORIDA, that a records management program be established and maintained in accordance with the following:

SECTION I. GOALS. The goals of the records management program are:

- A. To make records serve the purposes for which they are created as economically and effectively as possible, and
- B. To make proper disposition of them after they have served those purposes.

SECTION II. OBJECTIVES. The objectives of the records management program are:

- A. To save the taxpayers money through efficient administration of information resources.
- B. To make records readily available when needed, thereby minimizing time spent in seeking out information.
- C. To ensure the systematic legal disposition of records that has outlived their usefulness.
- D. To identify, preserve, and encourage use of archival records.

SECTION III. PUBLIC RECORDS. The definition of “public records” under this program shall be as described in Chapter 119, Florida Statutes, meaning: all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

SECTION IV. RECORDS SCHEDULES. The City of Winter Garden hereby adopts the Records Schedules for state and local government agencies and any schedules as specifically apply to agencies under the municipal jurisdiction as provided by the State Records Management and Archives Program under the direction of the Division of Library and Information Services, Department of State. Other specific retention schedules not provided in the

State Schedules may be established from time to time as approved by the Bureau of Archives and Records Management.

SECTION V. RECORDS MANAGEMENT LIAISON OFFICER (RMLO). The City Clerk, who is the legal custodian of the city records, shall be designated as the RMLO for the City of Winter Garden. The RMLO is hereby given the continuing responsibility to:

- A. Confer with other local government officials in the development and maintenance of a records management program.
- B. Promulgate suitable guidelines and rules for the orderly management, scheduling, destruction, and microfilming of public records of the City in compliance with the rules and regulations established by the Division of Archives, History and Records Management of the Department of State, and with the provisions of Chapter 119, Florida Statutes.
- C. Conduct an initial survey and analysis of all records with each Department representative.
- D. Encourage and coordinate the continuous legal destruction of obsolete records.
- E. Develop suitable retention periods for any records that are not covered by the State Archives' schedules.
- F. Maintain a center for storage of inactive records. At this time, the 271 E. Plant Street facility is designated, but can be changed as necessary without modification to this resolution.
- G. Provide a date annually for all departments to submit disposal requests in order to maintain the program.

SECTION VI. RECORDS ADVISORY COMMITTEE. The Records Advisory Committee shall be established by the RMLO and consist of one representative appointed from each department, the RMLO, and the RMLO's designee. The committee should meet periodically and have the following duties:

- A. Provide guidance on the development and maintenance of the records management program.
- B. Review the performance of the program on an ongoing basis and propose changes and improvements as necessary.
- C. Provide advice on the appraisal of records for archival value.
- D. Actively support the records management program, encourage annual financial support of the City Commission, and promote records management among all departments.

SECTION VII. MICROFILMING. Microfilming of records shall be by the method or system best calculated to perpetuate records on film and in accordance with microfilm specifications as established by the Division of Archives, History and Records Management of the Florida Department of State. Optical disk systems may be used for the storage, retrieval, and preservation of records; however, this does not meet State standards for archival retention at this time.

SECTION VIII. DESTRUCTION OF RECORDS. Destruction of records shall be in a manner approved by the Department of State, Division of Archives, and the City of Winter Garden. The established methods of destruction of records approval by the City shall be: 1) recycling, 2) shredding, 3) landfill, or 4) burning.

SECTION IX. RECORDS MANAGEMENT HANDBOOK. The Records Management Handbook is hereby established to provide guidance to the RMLO and the Records Advisory Committee. This handbook may be modified as appropriate by the RMLO.

SECTION X. EFFECTIVE DATE. Resolution 07-05 shall become effective immediately upon adoption.

City of Winter Garden Commission Agenda
July 12, 2007

PASSED AND RESOLVED this 26th day of July, 2007, by the City Commission of the City of Winter Garden, Florida.

APPROVED:

H. GERALD JOWERS, Mayor/Pro Tem

ATTEST:

KATHY GOLDEN, City Clerk