



City of Winter Garden  
**CHARTER REVIEW COMMITTEE**  
Regular Meeting Minutes  
September 23, 2019

A **REGULAR MEETING** of the City of Winter Garden Charter Review Committee (CRC) was called to order by CRC Chairperson Derek Blakeslee at 5:30 p.m. at 300 West Plant Street, Winter Garden, Florida.

**ATTENDANCE/ROLL CALL:**

**BOARD MEMBERS – PRESENT**

Derek Blakeslee - Chairperson  
Steve Ambielli            Andrea Davis  
Larry Cappleman        Christopher Lee  
Phil Cross                Ed McKinney  
Ron Mueller              Doug Bartow

**OTHER ATTENDEES**

Drew Smith – Facilitator  
Dan Langley – City Attorney  
Angee Grimmage – City Clerk  
Venice Alexander – Recording Clerk

**ABSENT:**            Millie Lord

1. **Call to Order**

The meeting was called to order and a quorum was determined.

2. **Approval of Minutes**

**Motion by CRC Member Mueller to approve regular meeting minutes of August 26, 2019 as submitted. Seconded by CRC Member McKinney and carried unanimously 8-0.**

3. **Public Comments** - There were none.

4. **FINAL REVIEW**

A. **Review and Approval of Draft Revised Charter**

CRC Chairperson Blakeslee thanked Facilitator Smith for the draft ordinance and suggested to the CRC an order for the final review proceedings.

The CRC reviewed the proposed amendments as follows:

**Amendment 1** – Accepted as submitted (*See Attached – Exhibit A*)

CRC Chairperson Blakeslee noted that this was the only sort of item in the Charter that took the power away from the City Commission and placed it in the hands of the public. He indicated that the public, by referendum, can seek to change a decision made by the City Commission. Thus making this item unnecessary for inclusion in the Charter.

**Amendment 2** – Accepted as submitted (*See Attached – Exhibit A*)

Facilitator Smith informed that in review of this item along with City Clerk Grimmage, it was noted that a transitional period would not be needed. Moving to four-year terms work seamlessly along with the normal election cycle and it cycles into an election every other year.

**CRC Member Bartow** spoke in favor of coupling term limits with a move to four-year terms. **CRC Chairperson Blakeslee** summarized some of the prior discussions as to why it was the consensus of the CRC to not include term limits; highlighting that the voters ultimately decide. **CRC Member Bartow** shared statistics relating to the subject. **CRC Member Cross** inquired as to whether the statistics being shared related to national or local term limits. **CRC Member Bartow** responded, all elections. **CRC Member Cappleman** expressed that they think there is a difference. He explained that there is a strong difference when dealing with a local election where a small number of voters in each district elect a Mayor or Commissioner. He explained that the voters determine the limit of the term by their vote. **CRC Member Bartow** spoke of encouraging new ideas and a more inclusive government and inquired as to the reasons why everyone was against term limits. **CRC Chairperson Blakeslee** stated that no one should be removed from office simply by the passage of time. He gave an example of the CRC determining that one can only serve two (2) terms and the person in office is doing a wonderful job and the district wants them but they must step down because of term limits. **CRC Member Bartow** expressed how members on boards could move up to positions on the City Commission and this would generate more involvement from the community. **CRC Member Mueller** noted his initial agreement on the issue of term limits and voiced his concerns of people staying in positions too long; indicating that it becomes more paramount in a small town. **CRC Member McKinney** described how in the third cycle of a term limited plan there is difficulty in finding good people to serve and fill the seat.

**Motion by CRC Member Bartow to accept term limits having two (2) consecutive terms with one (1) term off. Seconded by CRC Member Mueller.** There was discussion on the choice of term limits. **CRC Member Cross** expressed that term limits take away his rights as a voter to select someone he may want; he noted that he is not aware of any local cities that have term limits. He expressed that he feels the citizens in the City of Winter Garden have done an excellent job in selecting their Mayor and Commissioners. **CRC Member Bartow** spoke of past experiences of living in a location where the incumbency averaged twelve (12) years and the voter apathy it produced. He noted that unless there was a very high voter turnout, then there is a large part of the electorate that is not being touched. He expressed that this is when people feel that they are shut out of the process. He described how having a continuous flow of people through boards and committees and then being brought up into the ranks of elected positions, benefits the City. **Vote was 2-7. Motion failed.**

**CRC Member Bartow** noted that he would propose a second motion and inquired as to why the four (4) years. **CRC Member Mueller** responded that this was his motion [for the four (4) years] and noted that it was originally two (2) years. He explained the process of someone

getting into office and immediately having to turn around and begin campaigning again. Four (4) years in office gives longevity for people to complete their missions and complete their work. He also noted that this is a cost savings to the City. **CRC Member Bartow** noted that this was only part of the reason for this discussion and reiterated his point on the progression of people coming up from the boards and committees and then into to the elected positions.

**Motion by CRC Member Bartow to reduce current terms from the current three (3) years to two (2) years. Motion failed due to lack of a second.**

**Amendment 3** – Accepted as submitted (*See Attached – Exhibit A*)

Facilitator Smith noted that these items were rolled together into one question as they deal with due process.

**Amendment 4** – Accepted as submitted (*See Attached – Exhibit A*)

**Amendment 5** – Accepted as submitted (*See Attached – Exhibit A*)

**Amendment 6** – Accepted as submitted (*See Attached – Exhibit A*)

**Amendment 7** – Accepted as submitted (*See Attached – Exhibit A*)

**Amendment 8** – Accepted as submitted (*See Attached – Exhibit A*)

**Amendment 9** – Accepted as submitted (*See Attached – Exhibit A*)

CRC Chairperson described the reason for the changes. Facilitator Smith explained that these items were rolled together as one question as they are related items. He warned that if a portion is not accepted by the voter, it could cause all items included in the one ballot question to fail.

**Amendment 10** – Accepted as submitted (*See Attached – Exhibit A*)

CRC Chairperson Blakeslee gave a brief summarization of the items during the review. Facilitator Smith noted that any scrivener's errors would be corrected and sent to the City Clerk.

**Motion by CRC Member Mueller to accept and adopt all changes as proposed for amendment, with corrected scrivener's errors. Seconded by CRC Member Cross and carried unanimously 9-0.**

## **5. GENERAL DISCUSSION**

### **A. Workshop with City Commission**

There was discussion on the scheduling of the workshop with the City Commission and it was noted that everyone will be informed of the date of the workshop.

It was the **consensus** of the CRC to appoint CRC Chairperson Blakeslee as the representative to present the CRC's final review results to the City Commission.

City Clerk Grimmage noted that the CRC does not sunset until after the acceptance of the review by the City Commission. Facilitator Smith affirmed and advised the CRC to continue observing the Sunshine Law as they could be called back for additional review and/or input for some of the items.

B. Citizen Education Efforts

There was discussion that it would be up to the City Commission and staff on the education of the voters.

C. Charter Review Committee Next Meeting

This item was covered earlier in the meeting.

6. Adjournment

**Motion by CRC Member McKinney to adjourn meeting. Seconded by CRC Member Davis and carried unanimously 9-0.**

The meeting adjourned at 6:06 p.m.

Exhibit A

ORDINANCE NO. 2019-\_\_\_\_

1  
2  
3           **AN ORDINANCE OF THE CITY OF WINTER GARDEN,**  
4           **FLORIDA, SUBMITTING TO THE ELECTORS OF WINTER**  
5           **GARDEN PROPOSED AMENDMENTS TO THE CHARTER**  
6           **OF THE CITY OF WINTER GARDEN; PROVIDING BALLOT**  
7           **TITLES, SUMMARIES AND TEXT FOR THE PROPOSED**  
8           **AMENDMENTS; PROVIDING DIRECTIONS TO THE CITY**  
9           **CLERK; PROVIDING FOR CONFLICTS AND**  
10           **SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE**  
11           **FOR APPROVED AMENDMENTS; PROVIDING FOR AN**  
12           **EFFECTIVE DATE FOR THE ORDINANCE.**

13  
14           **WHEREAS,** the City Commission established a Charter Review Committee to review the  
15 City Charter and make recommendations for amendments thereto; and

16  
17           **WHEREAS,** on \_\_\_\_\_, 2019, the Charter Review Committee submitted  
18 its final report and recommendations to the City Commission; and

19  
20           **WHEREAS,** the City Commission and the Charter Review Committee have, in public  
21 meetings, studied and reviewed the Winter Garden Charter (the “Charter”) and received public input  
22 regarding the proposed amendments to the Charter; and

23  
24           **WHEREAS,** the Charter Review Committee has recommended that the Charter be updated  
25 and amended in various sections, all as set forth herein; and

26  
27           **WHEREAS,** the City Commission has fully considered the report and recommendations of  
28 the Charter Review Committee; and

29  
30           **WHEREAS,** Section 166.031, Florida Statutes, provides that the governing body of a  
31 municipality may, by ordinance, submit to the electors of said municipality proposed amendments to  
32 its charter, which amendments may be to any part or to all of its charter except that part describing  
33 the boundaries of such municipality; and

34  
35           **WHEREAS,** the City Commission finds it to be in the best interests of its citizens to submit  
36 said proposed charter amendments to the voters at the next general election.

37  
38           **NOW, THEREFORE, BE IT ORDAINED** by the City Commission of the City of Winter  
39 Garden, Florida, as follows:

40  
41           Section 1.     The City Commission of the City of Winter Garden, pursuant to Section  
42 166.031, Florida Statutes, hereby approves and submits proposed amendments of the Charter of the  
43 City of Winter Garden to the electors, which proposed amendments are set forth in Section 2 below.

44 The text of the amendments reflects the proposed changes by showing additions with underlining and  
45 deletions with ~~strike-through~~ type. Such election shall be held in conformity with the laws of the  
46 State of Florida and the ordinances of the City of Winter Garden now in force relating to elections in  
47 the City of Winter Garden. The Supervisor of Elections of Orange County is hereby requested to  
48 coordinate all matters regarding said referendum election with the City Clerk. The proposed charter  
49 amendments shall be submitted to the voters at the March 2019 election.

50  
51 Section 2. The ballot titles, questions and proposed charter changes are as follows:

52  
53 **City Charter Amendment 1:**

54  
55 *Shall Article I, Section 5 of the Charter which includes locational standards for establishments*  
56 *selling intoxicating liquors and which requires all regulations affecting the location of such*  
57 *establishments be approved by referendum be deleted from the Charter?*

58  
59 YES FOR APPROVAL

60  
61 NO FOR REJECTION

62  
63 ~~Sec. 5. Sale of alcoholic beverages.~~ [Reserved].

64  
65 ~~All regulations affecting the location of any establishment selling intoxicating liquor, wine, or beer~~  
66 ~~for consumption on the premises shall be subject to a referendum of the voters; and except for~~  
67 ~~restaurants that derive more than fifty one (51) percent of their annual revenue from the sales of food~~  
68 ~~and nonalcoholic beverages served for consumption on the premises, any establishment selling~~  
69 ~~intoxicating liquors, wine, or beer, for consumption on the premises, shall not be located less than~~  
70 ~~one thousand two hundred (1,200) feet from a school or an established church within the corporate~~  
71 ~~limits of the city.~~

72  
73 **City Charter Amendment 2:**

74  
75 *Shall Article II, Section 11 of the Charter be amended to provide for four year terms of the members*  
76 *of the commission and mayor instead of the current three year terms?*

77  
78 YES FOR APPROVAL

79  
80 NO FOR REJECTION

81  
82 Sec. 11. - Number, selection, term, compensation.

83 (1) There shall be a city commission consisting of a mayor-commissioner who shall represent the  
84 entire city and be elected at large by the voters of the city, and four (4) commissioners each of  
85 whom shall represent a single member district and be elected by the voters in the district they  
86 represent. The mayor-commissioner and commissioners shall be qualified as hereinafter

87 prescribed, and their term of office shall begin on the first regular meeting of the city  
88 commission after their election. The term of office of the mayor-commissioner and the  
89 commissioners elected in 2023 and subsequent elections shall be three (3) four (4) years.

90 (2) The present members of the city commission shall hold their seats for the term of office for  
91 which they were respectively elected, or until their successors have been elected and take office.

92 (3) The mayor-commissioner shall preside as chairperson of meetings of the commission, represent  
93 the city in intergovernmental relationships, present an annual state of the city message, and  
94 perform other duties as specified by the commission. The mayor-commissioner shall be  
95 recognized as head of the city government for all ceremonial purposes and by the governor for  
96 purposes of military law but shall have no administrative duties. The mayor-commissioner as a  
97 city commission member shall have a voice and a vote in the proceedings of the commission;  
98 but no veto power.

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

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

109  
110 **City Charter Amendment 3:**

111  
112 *Shall Article II, Section 16 and Article III, Section 27 of the Charter be amended to specify and*  
113 *provide more detailed provisions related to the hearing process for forfeiture of office against an*  
114 *elected official and removal of a city manager which provisions are intended to protect the due*  
115 *process rights of the official who is the subject of such hearings?*

116  
117 YES FOR APPROVAL

118  
119 NO FOR REJECTION

120  
121 **Sec. 16. - Judge of forfeiture.**

122 The city commission shall be the judge of the grounds for forfeiture of office for its members. In  
123 order to exercise these powers, the commission shall have the power to subpoena witnesses,  
124 administer oaths, and require the production of evidence. ~~A commission member charged by two (2)~~  
125 ~~or more commissioners with conduct constituting grounds for forfeiture of office shall, upon request~~  
126 ~~within five (5) business days of written notification of the charge, be entitled to a public hearing.~~  
127 Upon a majority vote of the members of the city commission eligible to vote on such matter, a

128 hearing to consider forfeiture shall be scheduled no sooner than fourteen (14) days from the date said  
129 vote is taken. Written notice of the hearing to consider forfeiture shall be mailed to any  
130 commissioner who is the subject of such forfeiture hearing at least ten days prior to the date of the  
131 forfeiture hearing. Notice of such public hearing shall also be published in a newspaper of general  
132 circulation in the city at least one (1) week in advance of the hearing. At the forfeiture hearing, the  
133 city commission shall receive sworn testimony and evidence. Formal rules of evidence shall not  
134 apply but fundamental due process shall be observed and shall govern the proceedings. No city  
135 commissioner's office shall be deemed forfeited unless At least three (3) members of the  
136 commission must vote in favor of a motion to declare the office forfeited. approve the forfeiture of  
137 office of any commission member.

138

139 \* \* \*

140 Sec. 27. - Removal of city manager.

141 Prior to the end of the city manager's contract, the city commission may remove the city manager  
142 by an affirmative vote of at least three (3) of its members. At least thirty (30) days before such  
143 removal shall become effective, the commission shall by an affirmative vote of at least three (3) of  
144 its members adopt a preliminary resolution stating the reasons for the city manager's removal.

145 Within seven (7) days of the date of the preliminary resolution, the manager may reply in  
146 writing and may request a public hearing, which shall be held not earlier than twenty (20) days nor  
147 later than thirty (30) days after the filing of such request. If a public hearing is requested as provided  
148 herein, the removal shall not be effective until after such hearing is conducted. After such public  
149 hearing, if one be requested, and after full consideration, the city commission by an affirmative vote  
150 of at least three (3) of its members may adopt a final resolution of removal.

151 By the preliminary resolution the city commission may suspend the city manager from duty, but  
152 shall in any case continue to pay full salary to the city manager until the effective date of a final  
153 resolution of removal. Upon the expiration of the city manager's contract, the above process is not  
154 applicable and the city commission may remove the city manager by an affirmative vote of at least  
155 three (3) commissioners.

156

157 **City Charter Amendment 4:**

158

159 *Shall Article II, Section 17 of the Charter be amended to extend from six to eighteen months the*  
160 *length of unexpired term caused by a mid-term vacancy that may be filled by the commission rather*  
161 *than election; extend from thirty to forty-five the number of days after the vacancy the commission*  
162 *must make such appointment; and extend from sixty to ninety days after the vacancy the time for*  
163 *conducting an election, when required?*

164

165 YES FOR APPROVAL

166

167 NO FOR REJECTION

- 168  
169 Sec. 17. - Vacancies in commission.
- 170 (1) The office of mayor-commissioner or commissioner shall become vacant upon the death,  
171 resignation, forfeiture or removal from office in any manner prescribed by law or this charter.
- 172 (2) Unless otherwise prescribed by general law, a vacancy on the commission shall be filled in the  
173 following manner:
- 174 (a) If there are ~~six~~eighteen (~~6~~18) months or less remaining in the unexpired term of the vacant  
175 office, within ~~thirty~~ forty-five (~~30~~45) days of the occurrence of the vacancy, the commission  
176 by majority vote of its remaining members shall appoint a qualified person to fill the vacant  
177 office to serve the remainder of the term. Within ~~fifteen~~ thirty (~~15~~30) days of the occurrence  
178 of the vacancy, those persons interested in qualifying for appointment to the vacant office  
179 shall submit to the city clerk their name and other such information showing that they meet  
180 the qualifications for holding office pursuant to Section 12 of this charter. After the ~~fifteen~~  
181 thirty (~~15~~30) day qualifying period, but before the expiration of ~~thirty~~ forty-five (~~30~~45) days  
182 after the occurrence of the vacancy, the commission shall hold a special meeting for the  
183 purpose of filling the vacancy and at such meeting allow public comment on the matter. If  
184 the commission does not appoint a qualified person by the expiration of ~~thirty~~ forty-five  
185 (~~30~~45) days after the occurrence of the vacancy, the vacant office shall be filled by drawing  
186 lots among the qualified persons receiving at least two (2) votes from the remaining  
187 commission members.
- 188 (b) If there are more than ~~six~~ eighteen (~~6~~18) months remaining in the unexpired term of the  
189 vacant office, the commission shall schedule a special election to fill the vacancy and such  
190 election shall be held not sooner than forty-five (45) days and not later than ~~sixty~~ (~~60~~)  
191 ninety (90) days following the occurrence of the vacancy.

192  
193 **City Charter Amendment 5:**

194  
195 *Shall Article II, Section 20 of the Charter be amended to state that City shall follow State law*  
196 *regarding advertising of proposed ordinances and shall Article V Section 46 of the Charter be*  
197 *amended to conform to the existing State law terminology of "vote-by-mail ballots" regarding*  
198 *elections?*

199  
200 YES FOR APPROVAL

201  
202 NO FOR REJECTION

203  
204 Sec. 20. - Adoption of ordinances; procedure; effective date.

- 205 (1) All action by the city commission of a legislative character shall be by ordinance. Every  
206 proposed ordinance shall be introduced in written or printed form, and shall embrace but one  
207 subject and matter properly connected therewith, which subject shall be briefly expressed in the  
208 title; but general appropriation ordinances may contain the various subjects and accounts for

209 which moneys are to be appropriated. The enacting clause of all ordinances shall be, "Be it  
210 Enacted by the City of Winter Garden."

211 (2) A proposed ordinance may be read by title, or in full, on at least two (2) separate days and shall  
212 ~~be advertised in accordance with applicable state law, at least ten (10) days prior to adoption, be~~  
213 ~~noticed once in a newspaper of general circulation in the City of Winter Garden and the notice~~  
214 ~~shall state the date, time and place of the meetings, the title or titles of proposed ordinances, and~~  
215 ~~the place or places within the municipality where such proposed ordinances may be inspected by~~  
216 ~~the public and comply with applicable statutory notice requirements. Said notice shall also~~  
217 ~~advise that interested parties may appear at the meeting and be heard with respect to the~~  
218 ~~proposed ordinance.~~

219 (3) After such hearing, the commission may finally pass such ordinance with or without  
220 amendment. The second passage of any ordinance shall be final and no further passage shall be  
221 required. All adopted ordinances shall become effective ten (10) days after adoption unless  
222 otherwise specified therein.

223 (4) If a proposed ordinance is defeated either on the first or second reading, the same cannot be  
224 again reconsidered for a period of ninety (90) days.

225 \* \* \*

226 Sec. 46. - Absentee voting.

227 The provisions of the general laws of the State of Florida governing absentee voters and vote-by-  
228 mail ballots shall be applicable to general, recall and special elections held within the city.

229 **City Charter Amendment 6:**

230

231 *Shall Article II, Section 21 of the Charter be amended to provide that a commissioner may vote on*  
232 *emergency measures by telephonic or other audio/visual methods provided that such commissioner*  
233 *can hear and be heard by all in attendance at the meeting?*

234

235 YES FOR APPROVAL

236

237 NO FOR REJECTION

238

239 Sec. 21. - Emergency measures.

240 The city commission by affirmative two-thirds (2/3) vote of the total members of the city  
241 commission may enact ordinances dealing with emergencies at the meeting at which they are  
242 introduced. A member of the city commission shall be allowed to vote by telephone or other  
243 audio/visual means on any emergency measure provided that such commissioner can hear all  
244 speakers and can be heard by the city commission and the public during deliberations on the  
245 measure. Any new and unexpected condition or occurrence of a nonrecurring nature that constitutes  
246 an immediate and serious menace to the public welfare of the city, shall be deemed an emergency.  
247 When no expenditure of city funds is entailed, emergency ordinances may be temporarily effective

248 for a period of not more than fifteen (15) days from the date of their passage; but such ordinances  
249 shall be subject to all other provisions of this charter governing the enactment of ordinances, and if  
250 not finally adopted in the manner herein provided shall expire at the end of the time for which they  
251 are temporarily effective. An emergency ordinance authorizing the expending of funds by the city for  
252 other than a regular or recurring requirement, may be effective upon any date fixed in the ordinance  
253 by the city commission. Every emergency ordinance shall set forth specifically the conditions or  
254 occurrences that create the emergency, and shall be printed in full in the first issue of any newspaper  
255 thereafter published and of general circulation in the City of Winter Garden, in addition to the other  
256 publications required herein, and shall be captioned as an emergency ordinance.

257 **City Charter Amendment 7:**

258  
259 *Shall Article II, Section 22 and Section 23 of the Charter be amended to delete unnecessary*  
260 *language and simplify existing language regarding revision and repeal of ordinances?*

261

262 YES FOR APPROVAL

263

264 NO FOR REJECTION

265

266 ~~Sec. 22. - Revision of ordinances.~~

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

270

271 Sec. 23. - Repeal of ordinances.

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

274 **City Charter Amendment 8:**

275

276 *Shall Article III, Section 28 of the Charter be amended to extend the time allowed for a city manager*  
277 *to establish residency within the City and allow the commission to waive the city manager residency*  
278 *requirement for good cause shown?*

279

280 YES FOR APPROVAL

281

282 NO FOR REJECTION

283

284 Sec. 28. - Qualifications.

285 The city manager shall be chosen by the city commission solely on the basis of executive and  
286 administrative qualifications, with special reference to actual experience in, or knowledge of,

287 accepted practice in respect to the duties of the office as hereinafter set forth. At the time of the city  
288 manager's appointment, and for a period of ~~ninety (90)~~ one hundred eighty (180) days thereafter, the  
289 city manager need not be a resident of the city, but during the city manager's tenure of office the city  
290 manager shall reside within the city. The city commission may extend or waive the residency  
291 requirement for good cause shown.

292

293 **City Charter Amendment 9:**

294

295 *Shall Article V, Section 48 be amended to require that the election canvassing board be established*  
296 *by July 1 of each year instead of ninety days prior to July 1; Article V, Section 57 be amended to*  
297 *extend the time for filing citizen referendum petitions; and Article V, Section 58 be amended to*  
298 *clarify that time limits of five or fewer days in the citizen initiative or referendum process shall mean*  
299 *business days?*

300

301 YES FOR APPROVAL

302

303 NO FOR REJECTION

304

305 Sec. 48. - Canvassing board.

306 (1) A city canvassing board shall be established for the purposes of canvassing ballots and election  
307 results. The canvassing board shall be composed of the city clerk and two (2) citizens who shall  
308 be selected by majority vote of the city commission. A third and fourth citizen shall also be  
309 selected by majority vote of the city commission to serve as a first and second alternate  
310 canvassing board member. The canvassing board members shall be appointed ~~at least ninety~~  
311 ~~(90) days before~~ by July 1st of each year and shall serve a one-year term commencing on July  
312 1st and ending June 30th the following year, or until their successors are appointed.

313 (2) The canvassing board shall meet on the night of the election at the close of the polls or as soon  
314 thereafter as practicable to publicly canvass the vote as shown by the returns then on file in the  
315 office of the city clerk, adjourn as needed, and meet again in the subsequent days as provided by  
316 ordinance to count absentee ballots and provisional ballots.

317 (3) Election returns shall be canvassed in the manner as provided by general law, ordinance and  
318 this charter. The city clerk shall, after the canvass of said election, furnish a certificate of  
319 election to be recorded in the minutes of the first city commission meeting thereafter.

320 (4) If required by statute, or authorized by a majority vote of the City Commission, the duties of  
321 the canvassing board with regard to a particular election may be delegated to the County  
322 Canvassing Board or such other governmental canvassing entity as established pursuant to  
323 interlocal agreement. If the duties of the canvassing board are delegated in accordance with this  
324 section, the entity to which such duties are delegated shall not be bound to those canvassing  
325 procedures provided by city ordinance and charter and shall otherwise canvass the election  
326 subject to those laws, rules, procedures, and guidelines to which such entity is ordinarily bound.  
327 The city clerk shall obtain a certification of the results of the election from the canvassing entity

328 to which canvassing duties have been delegated and shall submit such certification to the City  
329 Commission to be recorded in the minutes of the next City Commission meeting.

330 \* \* \*

331 Sec. 57. - Petitions.

332 (1) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered  
333 voters of the city equal in number to at least ten (10) percent of the total number of voters  
334 registered to vote in the city in the calendar month prior to the month in which the petition is  
335 filed.

336 (2) *Form and content.* All papers of a petition shall be uniform in size and style and shall be  
337 assembled as one (1) instrument for filing. Each signature shall be executed in ink or indelible  
338 pencil and shall be followed by the address of the person signing. Petitions shall contain or have  
339 attached thereto throughout their circulation the full text of the ordinance proposed or sought to  
340 be reconsidered.

341 (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit  
342 executed by the circulator thereof stating that he or she personally circulated the paper, the  
343 number of signatures thereon, that all signatures were affixed in his or her presence, that he or  
344 she believes them to be the genuine signatures of the persons whose names they purport to be  
345 and that each signer had an opportunity before signing to read the full text of the ordinance  
346 proposed or sought to be reconsidered.

347 (4) *Time for filing citizen referendum petitions .* Citizen referendum petitions must be filed within  
348 ~~thirty (30)~~ forty-five (45) days after adoption by the commission of the ordinance sought to be  
349 reconsidered.

350 \* \* \*

351 Sec. 58. - Procedure for filing.

352 (1) *Certificate of clerk; amendment .* Within twenty (20) days after the petition is filed, the city  
353 clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the  
354 particulars wherein it is defective and shall promptly send a copy of the certificate to the  
355 petitioners' committee by registered mail. Grounds for insufficiency are only those specified in  
356 Section 57. A petition certified insufficient for lack of the required number of valid signatures  
357 may be amended once if the petitioners' committee files a notice of intention to amend it with  
358 the clerk or other official designated by the city commission within two (2) business days after  
359 receiving the copy of the certificate and files a supplementary petition with additional papers  
360 within ten (10) days after receiving the copy of such certificate. Such supplementary petition  
361 shall comply with the requirements of paragraphs 1 and 2 of Section 57 and within five (5)  
362 business days after it is filed, the clerk shall complete a certificate as to the sufficiency of the  
363 petition as amended and promptly send a copy of such certificate to the petitioners' committee  
364 by registered mail in the case of an original petition. If a petition or amended petition is certified  
365 sufficient, or if a petition or amended petition is certified insufficient, and the petitioner's  
366 committee does not elect to amend or request commission review under paragraph (2) of this  
367 section within the time required, the clerk shall promptly present his or her certificate to the

368 commission and the certificate shall then be a final determination as to the sufficiency of the  
369 petition.

370 (2) *Commission review.* If a petition has been certified insufficient and the petitioners' committee  
371 does not file notice of intention to amend it or if an amended petition has been certified  
372 insufficient, the committee may, within two (2) business days after receiving the copy of such  
373 certificate, file a request that it be reviewed by the city commission. The city commission shall  
374 review the certificate at its next meeting following the filing of such request and approve or  
375 disapprove it, and the commission's determination shall then be a final determination as to the  
376 sufficiency of the petition.

377 (3) *Court review; New petition.* A final determination as to the sufficiency of a petition shall be  
378 subject to court review. A final determination of insufficiency, even if sustained upon court  
379 review, shall not prejudice the filing of a new petition for the same purpose.

380 **City Charter Amendment 10:**

381

382 *Shall Article VIII, Section 65 of the Charter be amended to specify that the city manager shall report*  
383 *any appropriation transfers to the commission within thirty days?*

384

385 YES FOR APPROVAL

386

387 NO FOR REJECTION

388

389 Sec. 65. - Amendments after adoption.

390

391 (1) *Supplemental appropriations.* If during the fiscal year the city manager certifies that there are  
392 available revenues for appropriation in excess of those estimated in the budget, the city  
393 commission by ordinance may make supplemental appropriations for the year up to the amount  
394 of such excess.

395 (2) *Emergency appropriations.* To address a public emergency affecting life, health, property or the  
396 public peace, appropriations may be made by an emergency ordinance. To the extent that there  
397 are no available unappropriated revenues or fund balances to meet such appropriations, the city  
398 commission may by such emergency ordinance authorize the issuance of emergency notes,  
399 which may be renewed from time to time; but the emergency notes and renewals of any fiscal  
400 year shall be paid no later than the last day of the fiscal year next succeeding that in which the  
401 emergency appropriation was made.

402 (3) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the city  
403 manager that the revenues or fund balances available will be insufficient to finance the  
404 expenditures for which appropriations have been authorized, the city manager shall report to the  
405 city commission, without delay, the estimated amount of the deficit, any remedial action taken  
406 by the city manager and the city manager's recommendations as to any other steps to be taken.  
407 The city commission shall then take such further action as it deems necessary to prevent or

408 reduce any deficit and for that purpose it may by ordinance reduce one (1) or more  
409 appropriations.

410 (4) *Transfer of appropriations.* At any time during the fiscal year, the city commission may by  
411 resolution transfer part or all of any unencumbered appropriation balance from one department,  
412 fund, service, strategy or organizational unit to the appropriation for other departments or  
413 organizational unit or a new appropriation. The city manager may transfer funds among  
414 programs within a department, fund, service, strategy or organizational unit and shall report  
415 transfers to the city commission in writing ~~in a timely manner~~ within thirty (30) days.

416 (5) *Limitations; effective date.* No appropriation for debt service may be reduced or transferred,  
417 except to the extent that the debt is refinanced and less debt service is required, and no  
418 appropriation may be reduced below any amount required by law to be appropriated or by more  
419 than the amount of the unencumbered balance thereof. The supplemental and emergency  
420 appropriations and reduction or transfer of appropriations authorized by this section may be  
421 made effective immediately upon adoption.

422  
423 Section 3. The City Clerk is hereby directed to ensure that all advertising, translation and  
424 notice requirements are complied with and to coordinate all activities necessary to conduct the  
425 referendum election called for in Section 1 of this Ordinance with the Supervisor of Elections for  
426 Orange County.

427  
428 Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance  
429 is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion  
430 shall be deemed a separate, distinct and independent provision and such holding shall not affect the  
431 validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of  
432 one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be  
433 deemed to affect the validity of any amendments that may be approved by a majority of the electors.

434  
435 Section 5. All ordinances and Charter provisions, or parts of ordinances and Charter  
436 provisions in conflict herewith are hereby repealed.

437  
438 Section 6. This Ordinance shall take effect immediately upon its final passage and  
439 adoption. The revised Charter provisions proposed for approval in this Ordinance shall become  
440 effective upon their approval at a referendum election of the electors of the City of Winter Garden in  
441 accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected  
442 amendment shall not take effect.

443  
444 PASSED ON FIRST READING THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
445 PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

446  
447 CITY OF WINTER GARDEN, FLORIDA  
448 CITY COMMISSION  
449

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ATTEST:

\_\_\_\_\_  
John Rees, Mayor

\_\_\_\_\_  
Angela Grimmage, City Clerk