

## **ORDINANCE NO. 1253**

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

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

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

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

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

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

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

### **SECTION 1: Findings of City Council.**

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

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

**SECTION 2: Approval of the Revised City Charter.**

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

**SECTION 3: Filing and Publication.**

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

**SECTION 4: Authority.**

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

**SECTION 5: Referendum.**

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

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

Shall the Charter for the City of Okeechobee be updated and revised to (i) incorporate a Citizens’ Bill of Rights; (ii) update and modernize the City Charter; (iii) codify a number of charter-type provisions in the City Code of Ordinance, but not in the City Charter; (iv) eliminate provisions that are obsolete or inconsistent with state law and municipal governance; and (v) render the City Clerk office from an elective position to an appointive position.

Yes \_\_\_\_\_

No \_\_\_\_\_

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

**SECTION 6: Conflict.**

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

**SECTION 7: Severability.**

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


**SECTION 8: Effective Date.**

Sections 4 through 8 take effect immediately upon adoption of this Ordinance by the City Council. The proposed City Charter in Attachment A shall take effect on the first day of December 2022, but only if the revised Charter is approved by the electors of the City voting in the General Election. If the voters do not approve the revised Charter at the General Election, this Ordinance shall be deemed to be of no further effect. Additionally, Section C-3.5 shall not take effect until January 4<sup>th</sup> of 2027.


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

  
Dowling R. Watford Jr., Mayor

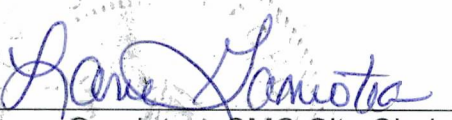
ATTEST:

  
Lane Gamiotea, CMC, City Clerk


**PASSED AND ADOPTED** after a Third and Final Public Hearing this **7<sup>th</sup>** Day of **June 2022**; due to the Second Reading and Final Public Hearing held on May 17, 2022, being postponed.

  
Dowling R. Watford Jr., Mayor

ATTEST:

  
Lane Gamiotea, CMC City Clerk

REVIEWED FOR LEGAL SUFFICIENCY:

  
John J. Fumero, City Attorney

## **Ordinance No. 1253** **Attachment A**

### **CITIZENS' BILL OF RIGHTS**

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

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

therefore, and the amount of any contingency and carryover funds for each department.

9. Representation of City and Public. The Mayor shall endeavor to designate one or more individuals, if and when resources are available, to represent the City at all proceedings before County, regional, State and Federal regulatory bodies when actions may, significantly affect the City and its residents.
10. Construction. All provisions of this Bill of Rights shall be construed to be supplementary to and not in conflict with the general laws of Florida. If any part of this Bill of Rights shall be declared invalid, it shall not affect the validity of the remaining provisions. Nothing herein is intended to create any legally enforceable rights or causes of action in a court of law. The City Council, the City Administrator and the City staff shall, to the extent reasonable, carry out these responsibilities and strive to achieve them whenever possible and when provided by law.

## **CITY OF OKEECHOBEE CHARTER**

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

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

#### **§ C-1.1. - Corporate Existence.**

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

#### **§ C-1.2. - Form of Government.**

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

#### **§ C-1.3. - Corporate Boundary.**

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

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

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Beginning at the Southeast corner of Section 9, Township 37 South, Range 35 East, and bear North along the East line of said Section 9, a distance of 325.12 feet to the South boundary of that property described in Official Records Book (ORB) 207, Page 177, Public Records of

Okeechobee County, Florida; thence bear South 89°59'53" West along the South boundary of said property described in ORB 207, Page 177, a distance of 351.67 feet to a point on the East right-of-way line of State Road 15 (a/k/a Parrott Avenue); thence bear South 00°00'07" West along said right-of-way line a distance of 301.12 feet; thence bear North 89°52'43" East along said road right-of-way line a distance of 20.00 feet; thence bear South 00°00'07" East along said road right-of-way line a distance of 24.69 feet to a point on the South line of said Section 9; thence bear North 89°52'43" East along the South line of said Section 9, a distance of 331.66 feet to the Point of Beginning. ALSO: Beginning at the Southwest corner of Section 10, Township 37 South, Range 35 East, and bear North along the West line of said Section 10, a distance of 325.12 feet to a point on the South boundary of that property described in ORB 207, Page 177; thence bear North 89°59'53" East a distance of 448.33 feet along the South boundary of said property described in ORB 207, Page 177; thence bear South 00°00'07" East along the extension of the East boundary of said property described in ORB 207, Page 177, a distance of 321.60 feet to a point on the South line of said Section 10; thence bear South 89°32'54" West a distance of 448.36 feet to the Point of Beginning. All lying and being in Sections 9, and 10, Township 37 South, Range 35 East; adopted on June 6, 1983 by Ordinance No. 486 recorded in ORB 284, Pages 372-373, Public Records of Okeechobee County, Florida;

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

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

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

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

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

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: Lot 7 of Block 76 located in Conner's Highlands, as recorded in Plat Book 1, Page 21, Official Records of

Okeechobee County; adopted on September 5, 1989 by Ordinance No. 613 recorded in ORB 307, Pages 220-221, Public Records of Okeechobee County, Florida;

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: PARCEL I, the Northwest one-quarter of the Northwest one-quarter of the Northeast one-quarter; together with the Northeast one-quarter of the Northwest one-quarter lying North and East of Taylor Creek; also the West 176 feet of the Northeast one-quarter of the Northwest one-quarter of the Northeast one-quarter, less Plat of the 2nd Addition of Okeechobee Estates, also less and except the following described parcel: Beginning at the Southeast corner of Lot No. 14, Okeechobee Estates, according to replat of Lots 1 to 14 of Okeechobee Estates, as recorded in Plat Book 3, Page 55, Public Records of Okeechobee County, Florida, thence run South 00°22'24" East for a distance of 55 feet, thence North 89°37'36" West a distance of 55 feet more or less to Taylor Creek, thence Northwesterly along the boundaries of Taylor Creek to a point of an extended line parallel to the South line of herein described tract then South 89°37'36" East for a distance of 100 feet, more or less, to Point of Beginning. All being in Section 27, Township 37 South, Range 35 East, Okeechobee County, Florida. PARCEL V, Northeast quarter of Northeast quarter; East half of Northwest quarter of Northeast quarter less and except the West 176.00 feet of the Northeast quarter of the Northwest quarter of the Northeast quarter all being in Section 27, Township 37 South, Range 35 East; adopted on October 3, 1989 by Ordinance No. 616 recorded in ORB 307, Pages 1405-1406. Public Records of Okeechobee County, Florida;

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

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: All that certain piece, parcel or tract of land situate, lying and being in Sections 27 and 28, Township 37 South, Range 35 East, Okeechobee County, Florida, as shown on the original Government Land Office (G.L.O.) Township Plat and as approved by the Surveyor General on September 29, 1903. All of which is more particularly bounded and described as follows, to-wit: Commencing for reference at a found 5/8" iron rod with cap (stamped "PLS 3372") at the East quarter Section corner of said Section 28, Township 37 South, Range 35 East; Thence, bearing South 89°30'05" West along the South line of the Northeast quarter of Section 28, Township 37 South, Range 35 East, a distance of 297.04 feet to set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179) and the point and place of beginning of the herein described parcel; Thence, continuing along same, bearing South 89°30'05" West a distance of 62.29 feet to a set P.K. nail and disk (stamped lb 6221) on the East right-of-way line of U.S. 441, (a/k/a State Road 15 and Parrott Avenue, 100 feet wide right-of-way; Thence, leaving the South line of the Northeast quarter of Section 28, bearing North 00°10'23" West along said East right-of-way line of U.S. 441, a distance of 242.00 feet to the South line of Block 51 First Addition to South Okeechobee, as recorded in Plat Book 1, Page 17, Okeechobee County, Florida; Thence, leaving the East right-of-way line of U.S. 441, bearing North 89°30'05" East along said South line of Block 51, a distance of 359.56 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179) on the East line of said Section 28; Thence, leaving the South line of Block 51, bearing North 00°07'12" West along said East line of Section 28, and along the East line of said Block 51, a distance of 295.93 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, leaving the East line of Section 28, and the East line of Block 51, bearing North 89°18'40" East a distance of 483.36 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing North 00°10'23" West a distance of 121.82 feet, to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing North 89°18'40" East along the North line of South half of the Southwest quarter of the Northwest quarter of

said Section 27, a distance of 528.47 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 00°10'23" East along a line 1421.61 feet East of and parallel with the centerline of the aforesaid U.S. 441, a distance of 730.00 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 89°18'40" West a distance of 285.41 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 18°29'43" East a distance of 234.56 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, bearing South 00°10'23" East a distance of 173.72 feet to a set 4" x 4" concrete monument with aluminum alloy cap (stamped M.F. Lenz Co. LB 6221); Thence, bearing South 89°18'28" West along the North line of lands of City Markets Building, Inc. as recorded in ORB 205, Page 285 and ORB 201, Page 73, a distance of 1021.76 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179), at the Southeast corner of those lands of Louis R. Demicco as recorded in ORB 200, Page 893, Public Records of Okeechobee County, Florida; Thence, leaving the North line of lands of City Markets Building, Inc., bearing North 00°07'12" West along the Easterly line of those lands of Louis R. Demicco, a distance of 424.40 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, continuing along the lands of Louis R. Demicco, bearing South 89°30'05" West a distance of 35.00 feet to a set 7/8" iron rod with aluminum alloy cap (stamped ECD PLS 5179); Thence, continuing along the lands of Louis R. Demicco, bearing North 43°44'23" West a distance of 59.98 feet to the point and place of beginning; The above described premises contain an area of 1,182,298.90 square feet or 27.14 acres. Subject to all Easements, Conditions and Restrictions as contained within the Chain of Title; adopted on March 17, 1998 by Ordinance No. 710 recorded in ORB 403, Pages 1627-1631, Public Records of Okeechobee County, Florida.

AND IN ADDITION TO THE BOUNDARIES SET OUT ABOVE THE FURTHER AND ADDITIONAL TERRITORY BOUNDED AS FOLLOWS: East Parcel (1 of 2): A parcel of land lying in Section 10, Township 37 South, Range 35 East, Okeechobee County, Florida being more particularly described as follows: Commence at the Southwest corner of said Section 10, thence proceed North 89°32'54" East along the South line of said Section 10, also being the South line of that parcel of land described in ORB 315, Page 746, of the Public Records of Okeechobee County, Florida, a distance of 448.36 Feet to the Southeast corner of that parcel of land described in ORB 315, Page 746, and the point of beginning. Thence departing said South line, run North 00°00'07" West along the East line of said parcel of land described in ORB 315, Page 746, a distance of 321.60 feet to the Northeast corner of said parcel of land; Thence departing said East line, run North 89°59'53" East, perpendicular to the preceding course, a distance of 374.51 feet to a point on the West line of the Taylor Creek permanent easement as described in ORB 49, Page 223, of the Public Records of Okeechobee County, Florida; Thence run South 31°40'29" West along said West line of the permanent easement, a distance of 289.01 feet to the beginning of a curve to the left in said West line, said curve being concave to the Southeast, having a radius of 410.00 feet and a central angle of 11°32'39"; Thence Southerly along the arc of said curve and continuing along said West line of the Taylor Creek permanent easement, a distance of 82.61 feet to the intersection with the aforesaid South line of Section 10; Thence departing said West line of the Taylor Creek easement, run South 89°32'54" West along said South line of Section 910, a distance of 186.72 feet to the point of beginning and consisting of approximately 2.04 acres; Together with North Parcel (2 of 2) A parcel of land lying in Section 10, Township 37 South, Range 35 East, Okeechobee County, Florida being more particularly described as follows: Commence at the Southwest corner of said Section 10, thence proceed North 89°32'54" East along the South line of said Section 10, also being the South line of that parcel of land described in ORB 315, Page 746, of the Public Records of Okeechobee County, Florida, a distance of 448.36 feet to the Southeast corner of said lands described in ORB 315, Page 746; Thence departing said South line, run North 00°00' 07" West, a distance of 321.60 feet to the Northeast corner of said lands described in ORB 315, Page 746, also being the Southeast corner of lands described in ORB 219, Page 593 Northwest corner of said lands described in ORB 524, Page 180, all per the Public Records of Okeechobee County, Florida, also being the point of beginning of this description; Thence continue North 00°00'07" West, running along the East line of said lands described in ORB 219, Page 593, a distance of 280.17 feet; Thence departing said East line, run North 89°59'53" East, perpendicular to the preceding course, a distance of 547.38 feet to a point on the



West line of the Taylor Creek permanent easement as described in ORB 49, Page 223, of the Public Records of Okeechobee County, Florida; Thence run South 31°40' 29" West, along said West line of the permanent easement, a distance of 329.21 feet to the Northeast corner of the aforesaid lands described in ORB 524, Page 180; Thence departing said West line of the Taylor Creek easement, run South 89°59' 53" West, along the North line of said lands described in ORB 524, Page 180, a distance of 374.51 feet to the point of beginning and consisting of approximately 2.97 acres. Adopted on May 19, 2015 by Ordinance No. 1120 recorded in ORB 760, Pages 928-931, Public Records of Okeechobee County, Florida.

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

**§ C-1.4. - Powers.**

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

**§ C-1.5 Construction.**

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

**ARTICLE 2. - CITY COUNCIL; MAYOR**

**§ C-2.1. - City Council.**

There shall be a City Council (Council) in and for the City. Except as otherwise prescribed herein provided by law, all legislative, Home Rule and police powers of the City shall be vested in the Council, including but not limited to, the setting of policy, approval of budget, determination of tax rates, hiring and firing of the Charter Officers: Police Chief, City Attorney, City Administrator, and the City Clerk and the development of community land use policies and regulations. The Council may create and appoint committees including any advisory bodies. The Council shall consist of five (5) members (Member or Council Members) of which one Member shall be appointed as the Mayor for a two year term. References in this Charter to the City Council or Council shall include the Mayor unless the context dictates otherwise.

**§ C-2.2. - Mayor and Vice Mayor.**

- A.** Powers of the Mayor. The Mayor shall be recognized as head of City Government for all ceremonial purposes and for purposes of law, for service of process, issuance of declarations and resolutions, execution of duly authorized contracts, deeds, and other documents, and as the City official designated to represent the City in all dealings with other governmental entities. The Mayor shall preside at meetings of the Council, be a voting member of the Council, and may create and appoint committees in consultation with the Council. In addition, the Mayor shall ensure Council meetings are conducted in an orderly and efficient manner in accordance with Roberts Rules of Order, as may be amended from time to time, and other pertinent procedures and policies.
- B.** In addition to the regular powers invested in any other Council Member, the Mayor shall have the power to declare an emergency situation, and other related emergency declarations.
- C.** The Mayor shall have no other powers and duties beyond those conferred by this charter or by the Council in accordance with the provisions of this charter. At the first Council meeting in January after the general or run-off election of the Council, and every two years thereafter, the Council shall appoint one (1) of its members as Mayor.
- D.** Vice-Mayor. During the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers, authority, duties, and responsibilities of the Mayor. At the first Council

meeting in January after the general or run-off election of the City Council, the Council shall elect one (1) of its members as Vice-Mayor, or at its discretion, Council may appoint the Vice-Mayor at those times when it appoints the Mayor, in either event for a two-year term.

- E. In the absence or disability of both the Mayor and Vice-Mayor, the Council designate one of their number to act temporarily in the capacity of the Mayor.

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

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

**§ C-2.4. - Qualifications.**

Candidates for Council shall qualify for election in the manner prescribed by the applicable Florida State Election Code as codified in Florida Statutes. with the City Clerk at such time and in such manner as may be prescribed by ordinance and payment to the City Clerk. By ordinance the Council may establish an in-lieu of a fee option for candidates to qualify. Only electors of the City who have resided continuously in the City for at least one (1) year preceding the date of such filing shall be eligible to hold the Office of Council Member. Candidates for Council shall be required to submit proof of residency at the time of qualifying by producing a valid voter's registration card and any other document which establishes compliance with the residency requirements for the Office of Council Member. The Council may establish additional specific residency requirements by ordinance.

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

- A. **Vacancies.** The Office of a Council Member shall become vacant upon their death, resignation, disability which in this case shall mean incapacity to perform the duties of office, suspension, or removal from office in any manner authorized by law, or by ordinance, forfeiture of their office.

**B. Forfeiture of Office.**

- 1) Forfeiture by disqualification. A Council Member shall forfeit their office if at any time during their term of office they fail to maintain permanent and primary residence in the City, or otherwise ceases to be a qualified elector of the City.
- 2) Forfeiture by absence. A Council Member shall be subject to forfeiture of their office, in the discretion of the remaining Council Members, if absent with good cause from any five (5) regular meetings of the Council during any calendar year, or if absent without good cause from any four (4) consecutive regular meetings of the Council during any calendar year, or in the case of the Mayor, if absent without good cause from any three (3) consecutive regular meetings of the Council during any calendar year.
- 3) Procedures. The Council shall be the sole judge of the qualifications of its members and shall hear all questions relating to forfeiture of office, including whether or not good cause for absence has been or may be established. The burden of establishing good cause shall be on the Council. A Council Member whose qualifications are in question, or, who is otherwise subject to forfeiture of his/her office, shall not vote on any such matters. The Council Member in question shall be entitled to a public hearing(s) on request regarding an alleged forfeiture of office. If a public hearing is requested, notice thereof shall be published in one or more newspapers of general circulation, or other means deemed acceptable by resolution, in the City at least one (1) week in advance of the hearing. Any final determination by the Council in this regard shall be made by resolution. All votes and other acts of the Council Member in question prior to the effective date of such resolution shall be valid regardless of the grounds of forfeiture.

- C. Filling of vacancies. A vacancy on the Council shall be filled as follows:

- 1) If the Mayor's position becomes vacant, and more than three (3) months remain in the unexpired term of the Mayor, the vacancy shall be filled by Council.

- 2) Filling of vacancies in elective offices; procedures. Should any vacancy occur at any time in any elective office of the City, whether by death, resignation, forfeiture, removal or otherwise, said elective office shall be promptly filled by the appointment of a person who qualifies for a City office, by a majority vote of the Council. Said appointee shall hold the office for that period of time remaining in the office to which he/she is appointed, and until he/she is then elected in a general election, or their successor in office is duly elected and qualified.
- 3) Procedures to make appointment. Upon being notified of such vacancy, the Mayor or his designee, shall instruct the City Clerk to publish a notice of vacancy in a newspaper of general circulation, with directions and date to apply for the position. The City Clerk shall create an application packet, with a specified deadline, for qualified electors of the City, interested in being considered for appointment to the elected office and to compile same for distribution to the Council. The Council shall fill the vacancy, by majority vote, at a duly advertised Council meeting within sixty (60) days of the notice being published.
- 4) Person's filling vacancies shall meet the qualifications specified in Section 2.4 of herein. The Council may prescribe by ordinance additional requirements to qualify.
- 4) If no candidate for a vacancy meets the qualifications under this Article for that vacancy, the Council shall appoint a person qualified under this Article to fill the vacancy, who shall serve until the next regularly scheduled election for the balance of the original term, but only after a hearing and in addition to regular notice requirements.
- 5) Notwithstanding any quorum requirements established herein, if at any time the full membership of the Council is reduced to less than a quorum, the remaining members may, by unanimous vote, appoint additional members to the extent otherwise permitted or required under this Section C herein.
- 6) In the event that all Members of the Council are removed by death, disability, recall, forfeiture of office and/or resignation, the Governor of the State of Florida shall appoint interim Council Members who shall call a special election within not less than thirty (30) days or more than sixty (60) days after such appointment. Such election shall be held in the same manner as the first elections under this Charter; provided, however, that if there are less than six (6) months remaining in any of the unexpired terms, such interim Council Member appointee(s) by the Governor shall serve out the unexpired terms. Appointees must meet all requirements for candidates provided for in Article 2 herein.

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

Council Members shall receive compensation on a monthly basis. Compensation, as established by Ordinance, shall be increased in accordance with the U.S. Consumer Price Index. Further, the Council Members shall receive reimbursement for business expenses in accordance with applicable law, or as may be otherwise provided by ordinance.

**§ C-2.7. - Recall.**

The electors of the City shall have the power to recall and to remove from office any elected official of the City to the extent permitted by the Florida Constitution and the laws of the State of Florida. The minimum number of electors of the City which shall be required to initiate a recall petition shall be twenty percent (20%) of the total number of electors of the City as of the preceding City election and shall be accomplished in accordance with the procedures set forth in Section 5.2 herein.

**ARTICLE 3. - ADMINISTRATIVE**

**§ C-3.1. - City Administrator.**

There shall be a City Administrator (the "Administrator") who shall be nominated by any Council Member and confirmed at a duly noticed Council meeting by a majority of the Council. The Administrator shall be retained for an employment contract with specified conditions and terms, including but not limited to compensation and benefits, as set by

the Council. The Administrator shall be the chief administrative officer of the City and shall be appointed on the basis of his/her education, experience, executive and administrative qualifications. The Administrator shall be responsible to the Mayor and the Council for the administration of all City affairs, as outlined herein and as set forth in ordinance.

- A. No Council Member shall be eligible for appointment as City Administrator during the term for which he/she has been elected and until two (2) years after its expiration.
- B. Removal. The Administrator may be suspended or removed from office upon the vote of the majority of the total membership of the Council, which shall set forth the reasons for suspension or removal. The Administrator shall continue to receive full compensation until the effective date of a final resolution of removal, unless otherwise determined by the Council. Notwithstanding anything herein, the Administrator may be removed from office with or without cause. Upon removal from office, the Council may appoint an Interim or Acting Administrator until such time as a permanent replacement is appointed by Council.

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

The Administrator shall:

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

**§ C-3.3. - Acting City Administrator.**

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

**§ C-3.4. - Bond of City Administrator.**

The Administrator shall furnish a fidelity bond or such other insurance instrument of comparable protection to be approved by the Council, and in such amount as the Council may fix, with either instrument to be conditioned on the faithful performance of his/her duties. The premium of the bond shall be paid by the City.

**§ C-3.5. - City Clerk.**

The Council shall nominate and appoint an individual to serve and act as the City Clerk under such terms and conditions as may be established by the Council, from time to time. The Clerk shall give notice of Council meetings to its members and the public, shall keep the minutes of the City's proceedings which shall be a public record, and is authorized to administer oaths, attest to the Mayor's or Administrator's signatures, and shall perform such other duties as the Council may prescribe. The City Clerk shall be the official records custodian of the City for all purposes. The City Clerk shall maintain a City Code of Ordinances and administrative policies and regulations.

**§ C-3.6. - City Attorney.**

The Council shall nominate and confirm an individual attorney, or a law firm, to act as the City Attorney under such contract terms and conditions as may be established by the Council, from time to time, consistent with this Charter. The City Attorney shall report to the Council and, after full consideration, may only be removed by a majority vote of the total membership of the Council. The City Attorney shall attend all Council meetings and have the right to take part in discussion but not the right to vote and shall perform such other duties as are specified in this Charter or as may be required by the Council. The City Attorney shall keep the Council fully advised as to the legal affairs as well as related future needs of the City and make such recommendations to the Council concerning the affairs of the City as he/she deems to be in the best interest of the City. The City Attorney shall be the chief legal officer of the City and is responsible for providing or supervising all legal counsel to City boards, advisory committees, and the like.

**§ C-3.7. - Police Chief.**

The Council shall nominate and confirm an individual to serve as City Police Chief under such terms and conditions as may be established by the Council, from time to time. No person shall be eligible for the Office of Chief of Police who does not hold a certification as a law enforcement officer as provided by Florida law and meet all other requirements to hold the position as may be set by ordinance. The Police Chief shall oversee all Police Department operations. The Chief or one of his/her officers shall attend all City Council meetings and act as a sergeant at arms. The Police Department shall be responsible for protecting and promoting the public safety of all residents of the City through police protection. The Department shall comply with all applicable federal, state, and local police safety standards and procedures, maintain all required licenses and certifications, and enforce all applicable federal, state, and local laws and providing for the protection of all City residents.

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

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

**§ C-3.9. - Expenditure of City Funds.**

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

**§ C-3.10. - City Boards and Agencies.**

The Council shall establish or terminate advisory committees, boards, and agencies, as it may deem advisable from time to time. The advisory committees, boards and agencies shall report directly to the Council; however, the City Administrator or City Clerk, as appropriate, shall provide the administrative support to such Council-appointed committees, boards, and agencies, as determined by the Council.

**§ C-3.11. - Competitive Bid Requirements/Purchasing.**

- A. Except as otherwise provided by law, contracts for public improvements and purchases of supplies, materials or services shall be awarded or made on the basis of clearly drawn specifications and competitive bids, as may be required by ordinance. The Council shall have the power, in its sole and absolute discretion, to reject all bids and advertise again. Notwithstanding anything herein, in those circumstances, based on the written recommendation of the Administrator or City Attorney, and determined by a majority vote of the Council, that expedited actions are needed for the protection of the public health, safety or welfare, or which are impracticable or otherwise not advantageous to the City to do so, contracts for purchases of supplies, materials or services may be awarded without competitive bids, or as may otherwise be authorized by law or executive order.
- B. The Administrator, by ordinance, may be granted purchasing power without competitive bidding under specified dollar thresholds.
- C. No contract or order shall be issued to any vendor unless or until the Administrator or Finance Director certifies that there is to the credit of such office, department or agency a sufficient unencumbered budget appropriation to pay for the supplies, materials, equipment or contractual services for which the contractor order is to be issued.

**ARTICLE 4. - LEGISLATIVE**

**§ C-4.1. - Council Meeting Procedures.**

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

Special Meetings. In accordance with pertinent State law, special meetings may be held on the call of the Mayor or upon the call of three (3) Council Members with no less than twenty-four (24) hours' notice to each Member and the public.

Emergency Meetings. When and where there is an emergency affecting the public health, safety, welfare, or the public peace, an emergency meeting may be held on the call of the Mayor or upon the call of two (2) or more Council Members with less than twenty-four (24) hours' notice. Emergency matters may be acted upon without notice when authorized by a majority vote of the Council.

Unless otherwise specified all other action of the Council shall be by affirmative vote of the majority of a quorum. A majority of the Council shall constitute a quorum.

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

**§ C-4.2. - Prohibitions.**

- A. Appointment and Removal. Neither the Council, nor any of its Members, shall in any manner dictate the appointment or removal of any City officers or employees whom the Administrator, City Clerk, Police Chief, or any of their subordinates are empowered to employ or appoint.

- B. Interference with Administration. It is the intent of this Charter that recommendations for improvement in City government operations by individual Council Members be made to and through the City Administrator, and/or at duly noticed Council meetings.
- C. Holding Other Office. In addition to that prescribed by law, no elected City official, shall hold any appointive City office or City employment while in office. No former elected City official, with the exception of the duly elected City Clerk, shall hold any compensated City employment until at least one (1) year after the expiration of his/her term.

**§ C-4.3. - Ordinances.**

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

**§ C-4.4. - Emergency Ordinances.**

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

- A. Form. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated in a preamble as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms.
- B. Procedure. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced and shall be enacted by no less than a quorum majority of the Council. After its adoption, the ordinance shall be published and printed as prescribed for other ordinances.
- C. Effective Date. An emergency ordinance shall become effective upon adoption or at such other date as may be specified in the ordinance.
- D. Repeal. Every emergency ordinance except emergency appropriation ordinances shall automatically be repealed as of the sixty-first (61<sup>st</sup>) day following its effective

date, but this shall not prevent re-enactment of the ordinance under regular procedures, or if the emergency still exists, in the manner specified in this Section. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same specified in this Section for adoption of emergency ordinances.

- E. **Emergency Appropriations.** The Council may make emergency appropriations in the manner provided in this Section. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes, including renewals thereof, shall be payable not later than the last day of the fiscal year next succeeding the fiscal year in which the emergency appropriation ordinance was originally adopted. All emergency appropriations shall be subject to the independent audit set forth in Section 4.10 herein.

**§ C-4.5. - Annual Budget Adoption.**

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

**§ C-4.6. - Fiscal Year.**

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

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

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

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

- A. **Authentication.** The Mayor and the Clerk shall authenticate by their signature all ordinances and resolutions adopted by the Council. In addition, when Charter amendments have been approved by the electors, the Mayor and the Clerk shall authenticate by their signatures the Charter amendment, such authentication to reflect the approval of the Charter amendment by the electorate. Ordinances must be approved as to legal form by the City Attorney.
- B. **Recording.** The Clerk shall keep properly indexed books in which shall be recorded, in full, all ordinances and resolutions passed by the Council. Ordinances shall, at the



direction of the Council, be periodically codified. The Clerk shall also maintain the City Charter in current form and shall enter all Charter amendments.

- C. Record Availability. The Council shall establish procedures for making all resolutions, ordinances, policies, or Codes adopted by reference, and this Charter, accessible to the people of the City on the City's website and other electronic means deemed appropriate, and shall otherwise be available for public inspection, or for purchase at a reasonable price.

**§ C-4.9. - Annual Tax Levy.**

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

**§ C-4.10. - Independent Audit.**

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

**ARTICLE 5. - ELECTIONS**

**§ C-5.1. - Elections.**

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

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

**§ C-5.2. - Initiative and Referendum.**

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

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

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

## **ARTICLE 6. - CHARTER AMENDMENTS**

### **§ C-6.1. - Procedure to Amend.**

The Charter may be amended in accordance with these provisions:

- A. Initiation by Ordinance. The Council may, by ordinance, propose amendments to this Charter and upon passage of the initiating ordinance shall submit the proposed amendment to a vote of the electors at the next general election held within the City or at a special election called for such purpose, unless such amendments do not require a vote of the electors as prescribed by state law.
- B. Initiation by Petition. The electors of the City may propose amendments to this Charter by petition. Each petition proposing amendments to this Charter shall be commenced, in the form, filed, certified as to its sufficiency and/or withdrawn in the same manner as an ordinance proposed by initiative pursuant to Section 5.2 herein.
- C. Submission to Electors. Upon certification of the sufficiency of the petition, the Council shall submit the proposed amendment to a vote of the electors at the next general election if such election is scheduled to be held not less than ninety (90) days from the date on which the petition was certified or at a special election called for that purpose. A special election, if necessary, shall be held in the same calendar year during which the petition was both certified by the Council and approved by the Supervisor of Elections.
- D. Results of Election. If a majority of the qualified electors voting on a proposed amendment vote for its adoption, it shall be considered adopted upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

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

At its first regular meeting in January of the eleventh (11<sup>th</sup>) year after the adoption of this Charter, and thereafter every tenth (10<sup>th</sup>) year commencing thereafter, the Council shall appoint a Charter Review Advisory Commission ("Charter Review Commission") consisting of no fewer than five (5) persons in the same manner and application process as that prescribed for appointments to advisory committees, boards, and agencies. Each Council Member shall be entitled to appoint one Charter Revision Commission member but that appointee shall be ratified by a majority of the Council. In addition, the Council may appoint by majority vote any additional members to the charter review commission

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

## **ARTICLE 7. - GENERAL PROVISIONS**

### **§ C-7.1. - Severability.**

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

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

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

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

### **§ C-7.3. - City Personnel System.**

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

### **§ C-7.4. - Variation of Pronouns.**

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

### **§ C-7.5. - Charitable Contributions.**

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

### **§ C-7.6. - Precedence over Related Laws.**

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

### **§ C-7.7. - Discrimination Policy.**

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

**§ C-7.8. - Effect of This Charter.**

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

**ARTICLE 8. - TRANSITION PROVISIONS.**

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

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

**City of Okeechobee**

**CHARTER REVISION CERTIFICATION**

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

Ordinance No. 1253 was adopted on **June 7, 2022**, accepting the results of the **November 8, 2022, General Election**.

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



John J. Fumero, City Attorney