

ORDINANCE _____

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF WINTER PARK SECTIONS 1.01, 1.03, 2.03, 2.05, 2.06, 2.08, 2.11, 2.17, 3.01, 3.03, 3.04, 4.01, 4.05, 4.07, 5.05, 5.08, 5.10 AND 6.04, THE PREAMBLE, CHANGING ARTICLE AND SECTION NAMES AND CREATING GENDER NEUTRAL LANGUAGE; PROVIDING FOR A REFERENDUM VOTE BY THE ELECTORS OF THE CITY OF WINTER PARK ON THE QUESTION OF APPROVAL OF THE PROPOSED CHARTER AMENDMENTS AT THE ELECTION TO BE HELD ON MARCH 17, 2020; PROVIDING FORM OF BALLOT; PROVIDING FOR FILING REVISED CHARTER WITH THE FLORIDA DEPARTMENT OF STATE, AND OTHER DIRECTIONS TO CITY STAFF; PROVIDING FOR AN EFFECTIVE DATE OF THE ORDINANCE AND CHARTER AMENDMENTS; PROVIDING FOR SEVERABILITY, CODIFICATION, AND CONFLICTS.

WHEREAS, the City Commission established a Charter Review Advisory Committee to review the City Charter and make recommendations for amendments thereto in accordance with Section 1.03(c) of the City Charter; and

WHEREAS, on September 20, 2019, the Charter Review Advisory Committee submitted its final report and recommendations to the City Commission; and

WHEREAS, the City Commission of the City of Winter Park, Florida pursuant to Chapter 166, Florida Statutes, and Section 1.03, Charter of the City of Winter Park, Florida, may submit to the electors of the City proposed amendments to the City Charter; and

WHEREAS, for numbering and organization purposes, the proposed amendment of Section 2.06 concerning amending the Mayor's board appointment duties to have shared board appointment responsibilities by the Mayor and City Commissioners is resulting in proposed Section 2.19 and a single ballot question concerning such matters; and

WHEREAS, during the first reading of this Ordinance, the City Commission decided not to move forward with proposed charter amendments relating to Sections 2.03, 4.05, and 4.07 referenced in the title above and the Charter; and

WHEREAS, the City Commission finds it in the best interests of the City and its residents to propose and submit to the electors of the City of Winter Park for referendum vote the City Charter amendments provided for herein, at the election to be held on March 17, 2020.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are hereby ratified and confirmed as being true and correct and are hereby made a part of this ordinance.

Section 2. Charter Amendment #1. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and sentences not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

[The language below are instructions for amendments to the Charter to make the Charter gender neutral and is not intended to be a provision placed in the City Charter]

Whenever in the Charter of the City of Winter Park, Florida, the gender specific language of “he” or “his” is used when referencing the Mayor, a City Commissioner, City Manager or other official, the title of the official is to be substituted for such gender specific words and other grammatical changes to the same sentence as may be needed to make the sentence grammatically correct and gender neutral. The City Clerk is given liberal authority to effectuate the intent of this charter amendment to make the charter gender neutral and to avoid use of “he” or “his” when referencing City officials.

PREAMBLE

We the people of the City of Winter Park, Florida, under the authority of the constitution and laws of the State of Florida, adopt this Charter to define the powers and structure of this City and to secure the benefits of home rule. This action also affirms the values of a representative democracy, professional management, strong political leadership, high ethical standards, citizen participation, and regional cooperation. We desire for Winter Park to be the best place to live, work, and play in central Florida by creating an open, diverse, inclusive, and responsive government and preserving a superior quality of life for the current residents and future generations.

ARTICLE I. ~~GENERALLY~~ POWERS AND FORM OF GOVERNMENT

Sec. 1.01. ~~Creation and powers~~ Creation, Powers, and Construction.

The City of Winter Park is created which shall have all governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except

as otherwise provided by law. The powers of the city under this Charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power granted in this article.

Sec. 2.08. - Procedure.

(b) ~~Rules and journal.~~ The commission shall determine its own rules and order of business. A ~~journal shall be kept in which shall be maintained a written record of all official acts of the commission.~~ Minutes shall be kept of all commission proceedings.

(c) ~~Voting.~~ Voting on ordinances and resolutions shall be by roll call vote of the Commissioners and the Mayor and shall be recorded in the ~~journal~~ minutes. The affirmative vote of three (3) members of the City Commission who are physically present at the meeting shall be necessary to adopt any ordinance or resolution. No other action of the commission except as provided in sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum present.

Sec. 4.01. - ~~Generally.~~ City Manager.

There shall be a city manager who shall be the administrative head of the city. The city manager shall be responsible to the city commission for the administration of all city affairs placed in ~~his~~ the city manager's charge by or under this Charter or by direction of the city commission. The manager must take up residence in the City of Winter Park within one (1) year after the appointment unless otherwise waived by the unanimous approval of the city commission.

ARTICLE V. – INITIATIVE, REFERENDUM, ~~AND RECALL~~ AND CHARTER AMENDMENTS.

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Sec. 6.04. - ~~Schedule.~~ Reserved.

(a) ~~Elections.~~ ~~Members of the city commission holding office under the former charter at the time this Charter becomes effective shall continue in office until the expiration of the terms to which they were elected. At an election to be held on the first Tuesday after the first Monday in November, 1984, there shall be elected a mayor to serve for a period of three (3) years. At an election to be held on the first Tuesday after the first Monday in November, 1985, there shall be elected two (2) commissioners for Seats Nos. 3 and 4 to serve for a period of three (3) years. At an election to be held on the first Tuesday after the first Monday in November, 1986, there shall be elected two (2) commissioners for Seats Nos. 1 and 2 to serve for a period of three (3) years. Henceforth, such elections shall continue in the same order.~~

(b) ~~Time of taking full effect.~~ This Charter shall be in full effect for all purposes on or after November 22, 1983.

- (c) ~~First commission meeting.~~ On the 22nd day of November, 1983, the city commission shall meet at 4:30 p.m. at Winter Park City Hall and shall organize in accordance with the provisions of Article II of this Charter.
- (d) ~~Transition ordinances.~~ The city commission shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted under this Charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in Article II, except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be readopted, renewed or otherwise continued only in the manner prescribed for normal ordinances in Article II.

Section 3. Amendment #1 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 2 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #1:
Gender Neutral, Preamble, Title Changes and Sections 1.01 and 1.03**

Shall the Winter Park City Charter be amended to provide for gender neutral language, modify the preamble to inspire a diverse and inclusive government, change the titles to Articles I and V and Sections 1.01 and 4.01 to better reflect the substance of provisions, delete obsolete language, amend Section 1.01 to provide for liberal interpretation of powers, and amend Section 2.08 to eliminate references to keeping a journal?

Yes _____

No _____

Section 4. Charter Amendment #2. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.05. - Compensation.

~~The Commission may determine the annual salary of the Mayor and Commissioners by ordinance, but no ordinance increasing the salary shall have an effective date prior to March 10, 2011. Effective on October 1, 2020, the base annual salary of City Commissioners shall be \$12,600 and the base annual salary of the Mayor shall be \$15,000. Thereafter, the base annual salaries of the City Commissioners and Mayor shall increase or decrease annually based on the change in the Consumer Price Index (all Urban Consumers CPI), not to exceed the maximum percentage pay increase adopted in the annual budget for general city employees. All CPI increases or decreases to base salaries will be effective on October 1st of each year. The percentage of change will be based on the CPI change from April to April.~~

The Mayor and Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Section 5. Amendment #2 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 4 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #2:
Annual Base Salary of Mayor and City Commissioners**

Shall Section 2.05 of the Winter Park City Charter be amended to provide for a minimum annual base salary of \$12,600 for City Commissioners and \$15,000 for the Mayor effective on October 1, 2020 and to provide for annual increases or decreases to base salaries based on the Consumer Price Index?

Yes _____

No _____

Section 6. Charter Amendment #3. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 1.03. – Form of Government.

The City of Winter Park is a municipal corporation with a Commission-Manager form of government.

Section 7. Amendment #3 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 6 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #3:
Form of Government**

Shall a new Section 1.03 of the Winter Park City Charter be created to clarify the City’s form of government as the Commission - Manager form of government, which is consistent with how the City currently operates and the existing Charter, and renumber the existing Section 1.03 to Section 5.10?

Yes _____

No _____

Section 8. Charter Amendment #4. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 3.03. - Form of ballots.

City elections shall be conducted in accordance with the applicable provisions of general election laws of the State of Florida, Chapters 97-106, Florida Statutes, as amended and ordinances adopted by the city that are not inconsistent with applicable general election laws. The Orange County ~~s~~Supervisor of ~~e~~Elections may control the form of the ballot including the method of listing candidates for city commissioner and mayor elections and any other city election. If such form is not prescribed by the supervisor of elections, then the city commission by ordinance shall prescribe the form of the ballot. ~~A charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but a ballot title shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear language which will enable a voter of reasonable intelligence to vote for or against the proposed measure. A sample ballot and verbatim text of any amendment or measure to be voted upon shall be available for free distribution at city hall at least seven (7) working days before the election day and also available for review at the polling place. A sample ballot shall be published in a newspaper of general circulation prior to the day of the election, but no more than ten (10) days prior to the election. This provision shall be deemed complied with if the state causes a publication of a sample ballot prior to a city election. Such publication shall be conspicuous and not be included within the routine legal notices and advertisements.~~

Sec. 3.04. - Elections.

- (a) *General city election.* If more than one person qualifies as candidate for the office of city commissioner for any designated seat of the city commission to be filled or for the office of mayor, there shall be a general election which shall be held on the second Tuesday in March. If any candidate in the general election receives a majority of the votes cast for a designated seat, such candidate shall be declared elected and shall assume office in accordance with Section 2.04 of this Charter. If no candidate receives a majority of votes cast for a designated seat, the two (2) persons receiving the highest number of votes cast shall be declared candidates for a run-off election to be held in accordance with subparagraph (c) of this Section, and the person then holding such seat shall continue to serve on a temporary basis until the seat is filled via the run-off election.
- (b) *Unopposed candidates.* In the event not more than one person qualifies as a candidate for a designated city commissioner seat or for mayor, such candidate shall

be declared elected without the necessity of being voted upon in the general city election and shall assume office at the same time and in the same manner as those elected in the general city election.

- (c) *Run-off election.* If no candidate receives a majority of votes cast for a designated seat in the general city election, the two (2) persons receiving the highest number of votes cast for such seat shall be declared candidates in a run-off election to be held on the second Tuesday in April. The candidate who receives the majority of the votes cast in the run-off election shall be declared elected and shall assume office on the date of the first City Commission meeting following certification of the run-off election results. The term of office for such prevailing candidate shall run until the date on which such term would have expired if the prevailing candidate had been elected in the general election.
- (d) ~~*Poll workers.* At each polling place, there shall be a sufficient number of poll workers to handle the anticipated number of voters. The supervisor of elections may determine the necessary number of poll workers for any election. If the supervisor of elections fails to determine such number of poll workers, then the city clerk shall determine the appropriate number of poll workers. The supervisor of elections (or the city clerk, as applicable) shall report the number of poll workers together with the names of the poll workers to the city commission prior to the date of the election. The supervisor of elections shall appoint the poll workers when a city election is held in conjunction with a state election conducted by the supervisor of elections. The supervisor of elections may also elect to appoint the poll workers for any other City election. If the supervisor of elections has not elected to appoint the poll workers for any city election that is not held in conjunction with a state election, then the city commission shall appoint the poll workers for such city election. At a city election not held in conjunction with a state election, a deputy sheriff need not be appointed for each polling place.~~
- (e) *Canvassing board.* For any city election, the city commission shall appoint three (3) of its members to be the canvassing board. No commissioner or mayor shall participate in the canvassing of the returns of an election for which said commissioner or mayor is a candidate or subject to recall. For any disqualified city commissioner or mayor, the city clerk shall act as the alternate canvassing board member.

Section 9. Amendment #4 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 8 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #4:
Form of Ballot and Elections**

Shall Section 3.03 and Section 3.04 of the Winter Park City Charter be amended to require that the conducting of city elections and form of ballots be consistent with state law, to delete the requirements for charter amendment ballots and to eliminate the subsection on poll workers to

avoid potential conflicts with the Orange County Supervisor of Elections' poll worker operations?

Yes _____

No _____

Section 10. Charter Amendment #5. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 5.05. - Petitions.

- (a) *Number of signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least ten (10) percent of the total number of qualified voters registered to vote at the last regular city election.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (c) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (d) *Time for filing referendum petitions.* Referendum petitions must be filed within ~~thirty (30)~~ forty-five (45) days after adoption by the commission of the ordinance sought to be reconsidered.

Sec. 5.08. - Action on petitions.

- (a) *Action by commission.* When an initiative or referendum petition has been finally determined sufficient, the commission shall promptly consider the proposed initiative ordinance in the manner provided in Article II, or reconsider the referred ordinance by voting its repeal. If the commission fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days, it shall submit the proposed or referred ordinance to the voters of the city.
- (b) *Submission to voters.* The vote of the city on a proposed or referred ordinance shall

be held not less than thirty (30) days and not later than ~~sixty (60)~~ ninety (90) days from the date that the petition was determined sufficient. If no regular city election is to be held within the period prescribed in this subsection, the commission shall provide for a special election; otherwise, the vote shall be held at the same time as such regular election; otherwise, the vote shall be held at the same time as such regular election, except that the commission may, in its discretion, provide for a special election at an earlier date within the prescribed period. Copies of the proposed or referred ordinance shall be made available for inspection at the office of the city clerk or other designated official not less than five (5) days prior to the election and at the polls.

- (c) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth (15th) day preceding the date scheduled for a vote of the city by filing with the clerk or other official designated by the commission a request for withdrawal signed by at least four-fifths (4/5) of the members of the petitioners' committee. Upon the filing of such request the petition shall have not further force or effect and all proceedings thereon shall be terminated.

Section 11. Amendment #5 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 10 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

**Question #5:
Citizen Referendum Petitions**

Shall Section 5.05 of the Winter Park City Charter be amended to change the deadline for citizen referendum petitions to reconsider an ordinance from 30 days to 45 days after the commission adopts an ordinance and to amend Section 5.08 of the City Charter to change the deadline for conducting a referendum on a citizen referendum petition from 60 days to 90 days from the date that the petition was deemed sufficient?

Yes _____

No _____

Section 12. Charter Amendment #6. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.07. - Vacancies; forfeiture of office; filling of vacancies.

- (a) *Vacancies.* The office of a commissioner or the mayor shall become vacant upon ~~his~~ the death, resignation, removal from office in any manner authorized by law or forfeiture of ~~his~~ the office, such forfeiture to be declared by the remaining members of

the commission.

(b) *Forfeiture of office.* A commissioner or the mayor shall forfeit his office if he lacks at any time during his term of office any qualification for the office prescribed by this Charter or by law.

(c) *Filling vacancies.* If a vacancy occurs in the seat of a Commissioner sixty (60) days or less before the next general election, the remaining Members of the Commission ~~shall~~ may appoint, by majority vote, a qualified person to fill the vacancy until the next general election. If the vacancy occurs more than sixty (60) days before the next general election, the remaining members of the Commission shall appoint, by majority vote, a qualified person to fill the vacancy until the next general election at which time a successor will be elected to serve the remainder of the unexpired term. In the event the remaining Members are deadlocked and unable to choose a successor by a majority vote, then the remaining Commissioners, excluding the Mayor, shall each submit the name of a proposed successor, and the Mayor shall appoint the successor from those names submitted. Notwithstanding any quorum requirements established herein, if at any time the membership of the Commission is reduced to less than a quorum, the remaining Members of the commission may by majority vote, appoint additional Members.

(d) *Extraordinary vacancies.* In the event that all members of the commission are removed by death, disability, law or forfeiture of office, the governor shall appoint an interim commission that shall serve until the next general city election, at which time such vacancies shall be filled for the balance of the unexpired terms.

Section 13. Amendment #6 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 12 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

Question #6:

Filling of Commissioner Vacancies

Shall Section 2.07 of the Winter Park City Charter be amended to give flexibility as to whether to fill a Commissioner vacancy through appointment by the remaining members of the City Commission for vacancies in office occurring within 60 days of a general election?

Yes _____

No _____

Section 14. Charter Amendment #7. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City

of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.06. - Functions of mayor; vice mayor.

The mayor shall be a voting member of the commission. At the first regular commission meeting after certification of all city election results in years when there is a city election or in April in a year when there is no city election, the commission shall elect one of its members as vice mayor. The mayor shall preside at meetings of the commission, shall be recognized as head of city government for all ceremonial purposes, by the governor for purposes of military laws, for execution of contracts, deeds and other documents and as the city official designated to represent the city in all agreements with other governmental entities or certifications to other governmental entities. ~~He shall annually appoint members of the city boards subject to the approval of the commission. He~~ The mayor shall have no other administrative duties except as required to carry out the responsibilities herein. The vice mayor shall act as mayor during the absence or disability of the mayor. In case of the death, resignation, or removal of the mayor, the vice mayor shall vacate the office of vice mayor and serve as mayor until the next general city election when the office of mayor shall be filled for the balance of any unexpired term. If the vice mayor does not qualify as a candidate for the vacant office of mayor at the next general city election, then upon the newly elected mayor assuming office, the vice mayor shall reassume ~~his~~ the prior office of commissioner and serve for the balance of ~~his~~ the unexpired term as commissioner. If the vice mayor does qualify as a candidate for the vacant office of mayor, then ~~his~~ that commission seat shall become vacant to be filled in the manner hereinafter provided.

2.19. – Board Appointments.

(a) *Size and Appointments.* Except as allowed by this charter or otherwise provided by the Civil Service Code or by law, all boards and ad hoc committees of the city shall have seven (7) members and with appointment of such members being made consistent with this subsection. Three (3) of the seven (7) members of the board or committee shall be appointed by the Mayor and such members shall serve at the Mayor's pleasure. Each of the four (4) City Commissioners shall appoint one (1) of the seven (7) members of the board or committee and such members shall serve at the pleasure of the City Commissioner holding the Commission seat that appointed the member. Generally, initial appointments to boards and ad hoc committees by the Mayor and individual City Commissioners are to be made at the second regular City Commission meeting occurring after the Mayor or City Commissioner is sworn in for a new term of office; however, this provision does not prevent the Mayor or City Commissioner from delaying a decision on such appointments.

(b) *Alternate members.* Alternate member positions to boards and committees may be established and alternate members appointed and removed in the manner provided by ordinance.

(c) *Exceptions.* The City Commission, by ordinance, may establish exceptions to the provisions of subsection (a) for certain boards or committees of an ad hoc nature or those having members of specialized knowledge, vocation, or an ex officio position.

(d) *Implementation.* The City Commission shall adopt an ordinance to implement this section and to establish rules and procedures governing boards and committees and appointments thereto. In order to ensure a non-disruptive transition of the membership of existing boards and ad hoc committees, the effectiveness of this section shall be delayed until the City Commission adopts an ordinance implementing this section.

Section 15. Amendment #7 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 14 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

Question #7:

Board Appointments and Election of Vice Mayor

Shall Section 2.06 of the Winter Park City Charter be amended to clarify the timing of the election of the Vice Mayor and to delete the Mayor’s lone board appointment authority and shall a new Section 2.19 of the City Charter be created establishing the size of city boards at seven members and providing for the Mayor to have three board member appointments and one appointment by each of the four City Commissioners?

Yes _____

No _____

Section 16. Charter Amendment #8. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and subsections not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.08. - Procedure.

(c) *Voting.* Voting on ordinances and resolutions shall be by roll call vote of the Commissioners and the Mayor and shall be recorded in the journal. The affirmative vote of three (3) members of the City Commission who are ~~physically~~ present at the meeting, either in person or through the use of video-conferencing, shall be necessary to adopt any ordinance or resolution. The use of video-conferencing by an individual member of the City Commission shall be limited to not more than three (3) times per calendar year and shall be subject to approval pursuant to and governed by rules and procedures adopted by the City Commission. No other action of the commission except as provided in sections 2.07 and in 2.08(d) shall be valid or binding unless adopted by the affirmative vote of a majority of a quorum present.

Sec. 2.11. - Ordinances in general.

As used in this section, "ordinance" means an official legislative action of the commission, which action is a regulation of a general and permanent nature and enforceable as a local law.

- (a) *Procedures for adoption.* Ordinances shall be adopted in accordance with the procedures and notice requirements provided by general law, provided further that a proposed ordinance shall be adopted when it has been read, by title or in full, and has received the affirmative vote of a majority of the city commission ~~physically present~~ on at least two (2) separate days at either regular or special meetings of the commission. If there is a change in substance in the text, then the reading at the time of change will be deemed the first reading.

Section 17. Amendment #8 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 16 of this Ordinance shall be as set forth below, and shall be followed by the words "yes" and "no":

**Question #8:
Quorum, Voting and Video-Conferencing**

Shall Section 2.08 and Section 2.11 of the Winter Park City Charter be amended to permit a quorum for voting purposes to be established by a majority of the City Commission being present in person or by way of video-conferencing and to restrict a Commission member's use of video-conferencing to not more than three times per year and by rules and procedures adopted by the City Commission?

Yes _____

No _____

Section 18. Charter Amendment #9. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and subsections not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 2.17. - Annual financial audit.

In accordance with the general laws of the state, there shall be an annual financial audit to be completed, within six (6) months after the end of the fiscal year, by an independent certified public accountant. The city commission shall institute a competitive selection process and to this end shall establish an auditor selection board consisting of five (5) members. One (1) member of this board shall be a city commissioner appointed by the commission. The remaining four (4) members shall be residents of the city who have the qualifications of electors therein and are not city employees. This board shall be charged with the responsibility to solicit proposals and to screen and evaluate the proposals received. The auditor selection board shall submit its recommendations to the city commission which shall then select an auditor and award a contract for a term not to exceed ~~three (3)~~ five (5) years.

Section 19. Amendment #9 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 18 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

Question #9
Auditor Contract Term

Shall Section 2.17 of the Winter Park City Charter be amended to change the contract term for the city’s auditor from three years to five years?

Yes _____

No _____

Section 20. Charter Amendment #10. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and subsections not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 3.01. - Nonpartisan elections.

(a) All qualifications and elections for the office of city commissioner or mayor shall be conducted on a nonpartisan basis without regard for or designation of political party affiliation. Upon qualifying for office through the election, a candidate for the office of city commissioner or mayor shall not:

- (1) Campaign and/or publicly represent or advertise herself or himself as a member of any political party; or
- (2) Accept campaign contributions from any political party.

(b) A candidate for commissioner or mayor who violates a provision of this section shall be liable for a civil fine of up to \$1,000 per violation. The City Commission shall adopt an ordinance describing the procedure to determine violations, provide due process, and set fines.

Section 21. Amendment #10 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 20 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

Question #10
Nonpartisan Elections

Shall Section 3.01 of the Winter Park City Charter be amended to prohibit candidates for mayor or commissioner to campaign as a member of any political party and from accepting campaign contributions from any political party, and to establish maximum civil fines for violations and giving the City Commission authority to adopt an ordinance to determine violations, provide due process and set fines concerning non-partisan requirements?

Yes _____

No _____

Section 22. Charter Amendment #11. The City hereby proposes the amendment(s) to the City Charter described below, which amendment(s) shall be submitted to the qualified electors of the City of Winter Park (words that are ~~stricken out~~ are deletions; words that are underlined are additions; provisions and subsections not included are not being amended; stars *** indicate separations between sections and do not represent Charter amendments):

Sec. 5.10. - Charter Amendments.

- (a) Initiation by ordinance. The Commission may by ordinance propose amendments to any part or all of this Charter, except Section 1.02 prescribing boundaries, and upon passage of the initiating ordinance shall place 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. Amendment of Section 1.02, resulting from annexation done in accordance with general law, shall be by ordinance of the commission and shall not be subject to a vote of the electors except as provided by general law.
- (b) Initiation by petition. The electors of the city may propose amendments to this Charter by petition signed by at least ten (10) percent of the total number of qualified voters registered to vote in the last regular city election.
- (1) Form and content. All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the proposed charter amendment. The clerk or other official designated by the commission may, at an elector's request, issue the appropriate petition blanks to the elector at the elector's expense.
- (2) Affidavit of circulator. Each paper of a petition shall have attached to it when filed, an affidavit executed by the circulator thereof stating that he personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed charter amendment.
- (3) Certification of petition. Upon certification of the sufficiency of the petition by the clerk or other official designated by the commission, such certification to include the validity of the names on the petition as qualified voters registered to vote in the last regular city election, the commission shall place the proposed amendment to a vote of the electors not less than thirty (30) days and not later than one hundred eighty (180) days after certification. If no regular election is to be held within the period prescribed by this subsection, the commission shall provide a special election called for such purpose.
- (c) Charter Review. The City Commission shall appoint a Citizens' Charter Review Advisory Committee to review this charter a minimum of every ten (10) years to make recommendations, if any, to the City Commission for possible submission to the voters.

Section 23. Amendment #11 Ballot Question. The ballot title and summary for the City Charter amendment(s) described in Section 22 of this Ordinance shall be as set forth below, and shall be followed by the words “yes” and “no”:

Question #11
Charter Amendment Process

Shall the charter amendment provisions of Section 1.03 of the Winter Park City Charter be renumbered to Section 5.10 and be amended to change the deadline from 60 days to 180 days to hold a vote on a proposed charter amendment after an elector petition is certified as sufficient?

Yes _____

No _____

Section 24. Referendum. The forgoing proposed amendments to the Charter of the City of Winter Park and their accompanying ballot questions shall be individually placed on the City ballot and submitted to the qualified electors of the City of Winter Park at the election held on **March 17, 2020**. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. The City Clerk is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

Section 25. Codification & Corrections. Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Winter Park. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

Section 26. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 27. Conflicts. In the event of a conflict or conflicts between this Ordinance and any other Ordinance or provision of law, this Ordinance controls to the extent of the conflict, as allowable under the law.

Section 28. Directions to City Staff. City Staff under the direction of the City Manager are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

Section 29. Effective Dates. This Ordinance shall become effective immediately upon adoption by the City Commission of the City of Winter Park, Florida. Any City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Winter Park and certification by the Orange County Supervisor of Elections or other appropriate officer or entity.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this _____ day of _____, 2019.

Mayor Steve Leary

ATTEST:

Rene Cranis, City Clerk