



APOPKA CITY COUNCIL AGENDA

January 10, 2024 5:00 PM

Apopka City Hall Council Chambers

APOPKA CITY COUNCIL MEETING WILL BE LIVE-STREAMED ON YOUTUBE. TO WATCH, PLEASE VISIT:

<https://www.youtube.com/CityofApopkaFL>

CALL TO ORDER

INVOCATION

PLEDGE

PUBLIC COMMENT PERIOD

The Public Comment Period is for City-related issues that may or may not be on today's Agenda. If you are here for a matter that requires a public hearing, please wait for that item to come up on the agenda. If you wish to address the Council, you must fill out an Intent to Speak form and provide it to the City Clerk prior to the start of the meeting. If you wish to speak during the Public Comment Period, please fill out a green-colored Intent-to-Speak form. If you wish to speak on a matter that requires a public hearing, please fill out a white-colored Intent-to-Speak form. Speaker forms may be completed up to 48 hours in advance of the Council meeting. Each speaker will have four minutes to give remarks, regardless of the number of items addressed. Please refer to Resolution No. 2016-16 for further information regarding our Public Participation Policy & Procedures for addressing the City Council.

PRESENTATION

1. 2024 Charter Review Information
Presented by: Clif Shepard, City Attorney

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (407) 703-1704. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any opening invocation that is offered before the official start of the Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the City Council or the city staff, and the City is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the City Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the City Council Chambers or exit the City Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

2024 CHARTER REVIEW

CITY OF APOPKA

ARTICLE I. - CORPORATE EXISTENCE, FORM OF GOVERNMENT, BOUNDARY, AND POWER

Section 1.01 – Corporate name, corporate existence, form of government, and Charter.

The municipality hereby established shall be known as the City of Apopka, Florida (the city). The City of Apopka in Orange County, Florida, which was created by general law, shall continue as a municipal corporation with a **mayor-council** form of government and with this document as the Charter for the city (the "Charter").

AREAS FOR DISCUSSION:

Does the Town wish to consider changing to a Council-Manager form of government? NOTE: If yes, this decision will require additional amendments to other sections of the Charter which are not yet drafted and have yet to be considered.

REASONS FOR DISCUSSION:

Council pleasure.

HOW IT WOULD READ WITH ALL CHANGES:

The municipality hereby established shall be known as the City of Apopka, Florida (the city). The City of Apopka in Orange County, Florida, which was created by general law, shall continue as a municipal corporation with a **Council-Manager** form of government and with this document as the Charter for the city (the "Charter").

Section 1.02 - Corporate boundary.

The corporate limits of the city shall consist of the boundaries of the city as established by [the] preceding Charter and Laws of Fla., ch. 73-402, or as enlarged or contracted pursuant to law, including, but not limited to, procedures to be followed in the annexation or contraction of property as set forth in F.S. ch. 171, as it now exists or as it may be renumbered or amended.

All ordinances of annexation of the city heretofore adopted and as may be adopted prior to the effective date of this Charter are hereby incorporated herein, and the lands described in such ordinances, together with the boundaries of the city as described in Laws of Fla., ch. 73-402, are hereby declared to be the corporate limits of the city.

AREAS FOR DISCUSSION-None.

Section 1.03 – General powers of city.

The city shall have all governmental, corporate, and proprietary powers possible for a city to have under the constitution and laws of the State of Florida as though they were specifically enumerated in this Charter to enable it to conduct municipal government, perform municipal functions and render municipal services, and the city may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

AREAS FOR DISCUSSION-None.

Section 1.04 – Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution and general and special laws of the State of Florida and specific limitations in this Charter.

AREAS FOR DISCUSSION-None.

ARTICLE II – CITY COUNCIL

Section 2.01 - Composition of city council.

A mayor and four city commissioners shall constitute the city council of the city (the city council).

AREAS FOR DISCUSSION:

Does the City wish to consider changing to an individual form of address consistent with the title of the government body or vice versa? **NOTE: If yes, this decision will require additional amendments to other sections of the Charter which are not yet drafted and have yet to be considered.**

REASONS FOR DISCUSSION:

Consistency.

HOW IT WOULD READ WITH ALL CHANGES:

A mayor and four city councilmembers shall constitute the city council of the city (the city council).

OR

A mayor and four city commissioners shall constitute the city commission of the city (the city commission).

Section 2.02 – Election and terms.

(a) The regular election of the mayor and city commissioners shall be held in the manner now provided by laws and ordinances for holding municipal elections or as may be hereafter provided for by law or ordinance for a term of four years. All elections shall be for a four-year term of office, except as provided in section 2.02(c) of this Charter.

(b) The city council seats are hereby designated as seats one, two, three and four. The present members of the city council elected to serve on the city council shall serve as the first city council until expiration of their current terms.

(c) A mayor and two city councilmembers shall be elected to serve for four years from the date of the expiration of the term of office of the present mayor and two city councilmembers holding seats designated as one and two, and said election every four years thereafter shall be held as is now or may be hereafter provided by law or ordinance; thus maintaining a five-member city council; two city councilmembers being elected at one time and a mayor and two city councilmembers at another time.

Councilmembers holding seats designated herein as seats three and four, whose terms expire on December 31, 1993, will face election in 1993 for one three-year term. Thereafter, the mayor and city commissioners will face election for four-year terms.

When there is only one candidate qualified for an available seat, the name of the candidate shall not be printed on the election ballot, and such candidate shall be declared elected to the seat.

AREAS FOR DISCUSSION-None UNLESS there is a change in the form of address for the members or the government or the Council wants to consider term limits.

Section 2.03 – Compensation; expenses of council.

The mayor and all members of the city council shall receive a salary as now provided by law and ordinance or as hereafter provided by the city council by law or ordinance. No change in the compensation ordinance for a city commissioner shall become effective until the duties of commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such law or ordinance by at least six months. The mayor and each city commissioner shall be reimbursed from the city treasury to cover the expenditures naturally and necessarily incurred in the performance of their duties of office and said reimbursement procedure shall be established by ordinance and/or resolution.

The mayor shall receive the salary established for the mayor in the annual budget.

AREAS FOR DISCUSSION-None UNLESS there is a change in the form of government to Council-Manager.

Section 2.04 – Mayor.

The mayor shall be the chief executive officer of the city and shall be responsible to the electorate for the administration of all city affairs placed in his/her charge by or under this Charter. The mayor shall:

- (a) Appoint, and, when the mayor deems it necessary for the good of the city, suspend or terminate all city employees and appointive administrative officers provided for by or under this Charter. Department heads shall be appointed by the mayor and ratified by the city council. The mayor may authorize any administrative officer who is subject to the mayor's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (b) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this Charter or by law.
- (c) Chair and be a voting member of the city council.
- (d) See that all laws, provisions of this Charter and acts of the city council subject to enforcement by the mayor or by officers subject to the direction and supervision of the mayor are faithfully executed.
- (e) Prepare, or have prepared, and submit the annual budget, budget message and capital program to the city council as provided by law or ordinance.
- (f) The vice-mayor will be the senior commissioner and shall serve as chair of city council meetings in the absence of the mayor. In the event the senior commissioner declines the vice-mayor position, the city council will elect the vice-mayor from among the remaining members of the city council.

AREAS FOR DISCUSSION-None UNLESS there is a change in the form of address for the members or the government.

Section 2.05 - General powers of city council.

All powers of the city shall be vested in the city council except those powers specifically reserved by this Charter to the electors of the city.

AREAS FOR DISCUSSION-None.

Section 2.06 - Council-employee relationship.

No city commissioner shall in any manner dictate the appointment or removal of any city employee, nor shall a city commissioner give orders to any employee other than orders by action of the city council to the city clerk and/or city attorney. Nothing herein shall be construed to deny a city commissioner access to records or information maintained by city employees.

AREAS FOR DISCUSSION-None UNLESS there is a change in the form of government to Council-Manager.

Section 2.07 - Vacancies; filling of vacancies.

- (a) Vacancies. The offices of mayor and city commissioner shall become vacant in accordance with general law, or by absence from four consecutive regular city council meetings without being excused by the city council prior to the fourth consecutive absence.
- (b) Filling of vacancies. If any vacancy occurs on the city council, except for extraordinary vacancies, and the unexpired term is less than one year, the remaining members of the said city council shall appoint a person to fill such vacancy on or before the second regular meeting of the city council following the office becoming vacant. If the unexpired term exceeds one year, the remaining members shall call an election to be held within 60 days, or as soon thereafter to comply with state election laws, to fill such vacancy. The person so elected shall hold office for the unexpired term.

- (c) Extraordinary vacancies. In the event that a member of the city council is removed temporarily from office, the remaining members of the city council shall appoint an interim city councilmember to serve until the councilmember being replaced returns to office or until the next city general election, whichever first occurs.

AREAS FOR DISCUSSION-None.

Section 2.08 - City council meetings.

(a) *Time and place.* The city council shall meet regularly at such times and places as the city council may prescribe by rule. Special meetings may be held at the call of the mayor, or, in the mayor's absence, at the call of the vice-mayor, or at the request of a majority of the city council; and, whenever practicable, [the city council] shall provide for not less than 12 hours' notice to the public.

(b) *Quorum.* A majority of the city council shall constitute a quorum. No action of the city council shall be valid unless adopted by the affirmative vote of a majority of the city council present and voting.

(c) *Rules.* The city council shall determine its own rules and order of business.

AREAS FOR DISCUSSION: . . . of a majority of the city council ~~present and voting~~

REASONS FOR DISCUSSION: Requiring a majority of council to support any action rather than a possibility of decisions being made by just two members.

HOW IT WOULD READ WITH ALL CHANGES:

A majority of the city council shall constitute a quorum. No action of the city council shall be valid unless adopted by the affirmative vote of three (3) or more members of the city council.