



APOPKA CITY COUNCIL AGENDA

March 13, 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

PRESENTATION

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

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.

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 V. - GENERAL PROVISIONS

Section 5.01. - Charter amendments.

This Charter may be amended pursuant to the home rule powers in the Municipal Home Rule Powers Act, F.S. ch. 166, or its successor, and/or pursuant to the home rule powers granted under the Constitution of the State of Florida.

AREAS FOR DISCUSSION: **None.**

Section 5.02. - Oath of officers.

After election or appointment, and before taking office, the mayor and each commissioner of the city shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the constitution of the state and under the Charter of the City of Apopka; and I will well and faithfully perform the duties of (title of office) on which I am now about to enter, so help me God."

AREAS FOR DISCUSSION: **None.**

Section 5.03 - Budget adoption.

The city council shall adopt an annual budget for the city by ordinance or resolution before October 1 of each year in accordance with Florida law. An ordinance or resolution adopting an annual budget shall constitute appropriations of the amounts specified as expenditures.

AREAS FOR DISCUSSION: **None.**

Section 5.04 – Annual Audit.

The city shall have an annual audit in accordance with Florida law.

AREAS FOR DISCUSSION: **None.**

Section 5.05 – Initiative, generally.

(a) Any proposed ordinance may be submitted to the city **council** by a petition signed by 25 percent of the total number of votes cast at the last preceding general election of the city. Procedure and format for petitions will be as established by general law or ordinances of the city.

(b) Prior to submission to city **council**, any such proposed ordinance will be reviewed by the city attorney as to form and compliance with state law and the constitution.

(c) Within 60 days of submission of the petition to city **council**, or as soon thereafter to comply with state law, the city **council** may adopt the ordinance or shall call a special election to be held within 60 days, or as soon thereafter to comply with state law, at which the adoption or rejection of such ordinance shall be submitted to the qualified voters of the city.

(d) If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, the ordinance shall thereupon become a valid ordinance in the city.

(e) Any number of proposed ordinances may be voted upon at the same election according to the provisions of this section.

AREAS FOR DISCUSSION: **None other than changing “council” to “commission.”**

HOW IT WOULD READ WITH ALL CHANGES:

(a) Any proposed ordinance may be submitted to the city commission by a petition signed by 25 percent of the total number of votes cast at the last preceding general election of the city. Procedure and format for petitions will be as established by general law or ordinances of the city.

(b) Prior to submission to city commission, any such proposed ordinance will be reviewed by the city attorney as to form and compliance with state law and the constitution.

(c) Within 60 days of submission of the petition to city commission, or as soon thereafter to comply with state law, the city commission may adopt the ordinance or shall call a special election to be held within 60 days, or as soon thereafter to comply with state law, at which the adoption or rejection of such ordinance shall be submitted to the qualified voters of the city.

(d) If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, the ordinance shall thereupon become a valid ordinance in the city.

(e) Any number of proposed ordinances may be voted upon at the same election according to the provisions of this section.

ARTICLE VI. - TRANSITION SCHEDULE

Section 6.01 – Repeal of former charter provisions.

All Charter provisions in effect prior to the effective date of this Charter are repealed except those provisions which established the municipal corporation known as the City of Apopka, Laws of Fla., ch. 67-1080, and the city boundary, Laws of Fla., ch. 73-402.

AREAS FOR DISCUSSION: **None.**

Section 6.02 – Ordinances preserved.

All ordinances in force on the effective date of this Charter, to the extent not inconsistent with it, shall remain in force until repealed or amended.

AREAS FOR DISCUSSION: **None.**

Section 6.03 - City official continuation in office.

All elected city officials shall retain their respective positions until expiration of their current terms of office.

AREAS FOR DISCUSSION: **None.**

Section 6.04. - Pending matters.

No rights, claims, actions, contracts, taxes, or legal or administrative proceedings existing on the effective date of this Charter and involving the city shall be affected by the adoption of this Charter as allowed by law.

AREAS FOR DISCUSSION: **None.**

Section 6.05. - Provision for referendum; form of ballots.

The city council shall submit to a referendum election the question as to the adoption of this amended Charter. Such election shall be held at the next regularly scheduled election of the city or at a special election to be held within 90 days of the passage of the ordinance amending this Charter by the city council and shall be held in conformity with the

laws and ordinances in force relating to elections in the city. The ballot to be used in the referendum election shall be substantially in the following form:

CITY CHARTER AMENDMENT:

PROPOSING A REVISED AND UPDATED

CITY CHARTER

Should the Apopka City Charter be amended, as proposed in Ordinance Number 781, amending the entire city Charter except for boundaries, providing for corporate existence, form of government, boundary, and power; providing for a mayor-council form of government; providing duties of mayor as chief executive officer; updating and modernizing the Charter; providing four-year terms for mayor and commissioners; providing for change in general provisions; and providing for [a] transition schedule, effective date and severability?

Yes for Approval

No for Rejection

AREAS FOR DISCUSSION: None.

Section 6.06. - Effective date.

Provided a majority of the registered voters of the city voting in the referendum election vote "For Adoption," then this amended Charter shall immediately be filed with the Department of State pursuant to Florida law, and the provisions hereof shall become operative and be in full force and effect on October 1, 1993.

AREAS FOR DISCUSSION: None.

Section 6.07. - Severability.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

AREAS FOR DISCUSSION: None.