



HISTORIC TOWN OF EATONVILLE, FLORIDA

CHARTER REVIEW ADVISORY COMMITTEE

Thursday, August 10, 2023 at 5:30 PM

Town Hall - 307 E Kennedy Blvd

3rd Charter Review

Please note that the HTML versions of the agenda and agenda packet may not reflect changes or amendments made to the agenda.

- I. CALL TO ORDER
- II. ROLL CALL
- III. CITIZEN PARTICIPATION (Three minutes strictly enforced)
- IV. EXPLANATION OF CHARTER REVIEW
- V. COMMITTEE DISCUSSION
 - [1.](#) Charter Review Memo – Articles 5-7 (Town Attorney)
- VI. COMMENTS
 - [2.](#) Staff Comments
- VII. ADJOURNMENT

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****PUBLIC NOTICE****

This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26

2023 CHARTER REVIEW

TOWN OF EATONVILLE

Section 5.01 - Nonpartisan elections.

All qualifications and elections for the offices of Town Council and Mayor shall be conducted on a nonpartisan basis without regard for designation of political party affiliation of any candidate, nominee, or any nomination petition or ballot.

AREAS FOR DISCUSSION - None.

Section 5.02 - Town council seats.

Town council seats are hereby designated as seats 1,2,3,4, and 5 for the purposes of identification. The Mayor shall hold seat 1. Each candidate for the office of council shall declare at the time of qualifications the seat to which such candidate seeks election. No person shall run for more than one council seat in an election. Candidates for Town Council seats shall be elected at large. If more than two candidates qualify for the same seat, the candidate receiving the most votes shall be deemed elected. In the event of a tie vote, such office shall be filled by the drawing of lots among the candidates receiving the same number of votes. Such determination by lot shall be made under the direction of the Town Council in existence prior to the election, no later than seven (7) days after the certification of the election. The candidates shall be notified of the time and place of the drawing of lots and have the right to be present.

AREAS FOR DISCUSSION – None.

Section 5.03 - Elections.

Town elections shall be conducted in accordance with the general election laws of the State of Florida, Chapters 97—106 Florida Statutes, as amended. Regular town elections shall be held on the first Saturday in March of each election year. All elections will be held in even years except for the first election following the adoption of this revised Charter. In 2017, seats 4 and 5 will be elected for three (3) terms of office, but beginning with the 2020 election and every four (4) years after that, the terms of office for seats 4 and 5 will be four (4) years. Beginning in 2018, and every four (4) years after that, Council seats 1, 2, and 3 will run for election. If a regular election occurs in the same month a Presidential Preference Primary is conducted, the Town Council may choose to hold the Town election on the same date as the primary.

AREAS FOR DISCUSSION – None.

Section 5.04 – Canvassing board.

A town canvassing board shall be established for the purposes of canvassing ballots and election results. The canvassing board shall be composed of the Town Clerk and two (2) **citizens** who shall be selected by majority vote of the Town Council at the time the election is called.

AREAS FOR DISCUSSION:

In most municipalities, the canvassing board consists of the municipal clerk and councilmembers not up for re-election or not running for reelection.

Reasons for Discussion:

Council pleasure. This is not something that needs to be done, but I wanted to bring it to your attention in case you want to consider a change.

HOW IT WOULD READ WITH ALL CHANGES:

A town canvassing board shall be established for the purposes of canvassing ballots and election results. The canvassing board shall be composed of the Town Clerk and two (2) councilmembers who shall be selected by majority vote of the Town Council at the time the election is called.

Section 5.05 - Recall.

The registered voters of the Town shall have power to recall elected officials of the Town pursuant to Section 100.361, Florida Statutes, as amended.

AREAS FOR DISCUSSION:

Consider removing this provision as duplicative of state law.

Reasons for Discussion:

Council pleasure. This is not something that needs to be done, but it is duplicative, since registered voters of the Town have this right by statute, regardless of the Town Charter.

HOW IT WOULD READ WITH ALL CHANGES:

The section would be deleted in its entirety.

Section 5.06 – Initiative and citizen referendum.

Initiative. The registered voters of the Town shall have power to propose ordinances to the Town Council and, if the Council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a Town election, but 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 town officers or employees, or ordinances pertaining to comprehensive planning or zoning.

Citizen referendum. The registered voters of the Town shall have power to require reconsideration by the Council of any adopted ordinance and, if the Council fails to repeal an ordinance so reconsidered, to approve or reject it at a town election, but 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 Town officers or employees, or ordinances pertaining to comprehensive planning or zoning.

- (a) *Commencement of proceeding; petitioners' committee; affidavit.* Any five (5) registered voters may commence initiative or citizen referendum proceedings by filing with the Town Clerk an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.
- (b) *Petitions.*
 - (1) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered voters of the town equal in number to at least ten percent (10%) of the total number of registered voters as of the last general election.
 - (2) *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. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation, the full text of the ordinance proposed or sought to be reconsidered.
 - (3) *Affidavit of circulator.* Each paper of a petition shall have attached to it when filed, an affidavit executed by the person circulating it stating that he or she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she 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.

- (4) *Time for filing referendum petitions.* Referendum petitions must be filed within thirty (30) days after adoption by the Town Council of the ordinance sought to be reconsidered.
- (c) *Procedure after filing.*
 - (1) *Certificate of Clerk; amendment.* Within twenty (20) days after the petition is filed, the Town Clerk, with the assistance of the Supervisor of Elections, shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by registered mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitions' committee files a notice of intention to amend it with the Clerk within two (2) days after receiving the copy of his or her certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of paragraphs (2) and (3) of Section 5.06 (b) above, and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition. If a petition or amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioners' committee does not elect to amend or request Council review under paragraph (2) of this subsection within the time required, the Clerk shall promptly present his or her certificate to the Council and the certificate shall then be a final determination as to the sufficiency of the petition.
 - (2) *Council review.* If a petition has been certified insufficient and the petitioners' committee does not file notice of intention to amend it or if an amended petition has been certified insufficient, the committee may, within two (2) days after receiving the copy of such certificate, file a request that it be reviewed by the Council. The Council shall review the certificate at its next meeting following the filing of such request and approve or disapprove it, and the Council's determination shall then be a final determination as to the sufficiency of the petition.
 - (3) *Court review; new petition.* A final determination as to the sufficiency of a petition shall be subject to court review. A final determination of insufficiency even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.
- (d) *Referendum petitions; suspension of effect of ordinance.* When a referendum petition is filed with the Town Clerk, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:
 - (1) There is a final determination of insufficiency of the petition;
 - (2) The petitioners' committee withdraws the petition;
 - (3) The Council repeals the ordinance; or
 - (4) Thirty (30) days have elapsed after a vote of the Town on the ordinance.
- (e) *Actions on petitions.*
 - (1) *Action by Council.* When an initiative or referendum petition has been finally determined sufficient, the Council shall promptly consider the proposed initiative ordinance in the manner provided in Article II of this Charter or reconsider the referred ordinance by voting its repeal. If the Council fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within sixty (60) days after the date the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the Town.
 - (2) *Submission to voters of proposed or referred ordinances.* The vote of the Town on a proposed or referred ordinance shall be held not less than thirty (30) days and not later than one year from the date of the final Council vote thereon. If no regular town election is to be held within the period prescribed in this subsection, the Council shall provide for a special election; otherwise, the vote shall be held at the same

time as such regular election, except that the Council 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 at the polls.

- (3) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the fifteenth day preceding the day scheduled for a vote of the town by filing with the Town Clerk a request for withdrawal signed by at least two-thirds of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and all proceedings thereon shall be terminated.

(f) *Results of election.*

- (1) *Initiative.* If a majority of the voters voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

- (2) *Referendum.* If a majority of the registered voters on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

AREAS FOR DISCUSSION - None.

Section 6.01 – Amendment.

Amendments to this Charter may be framed and proposed pursuant to Section 166.031 Florida Statutes, as amended.

AREAS FOR DISCUSSION - None.

Section 6.02 – Charter review.

There shall be a periodic review of this Charter by a Charter review advisory committee appointed by the Town Council in 2024 and every eight (8) years thereafter.

AREAS FOR DISCUSSION - None.

Section 7.01 – General law.

All Town Ordinances, Resolutions, orders and regulations which are in force when this Charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this Charter or of ordinances or resolutions adopted pursuant thereto.

AREAS FOR DISCUSSION - None.

Section 7.02 - Severability.

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

AREAS FOR DISCUSSION - None.

Section 2.03 - Mayor; general duties.

The Mayor shall be the Chief Executive Officer of the Town and shall be responsible to the electorate for the Administration of all Town affairs placed in the Mayor's charge by or under this Charter. The Mayor shall:

- a) Appoint and suspend or remove all Town employees and appointive Administrative Officers provided for by or under this Charter. Department heads shall be appointed by the Mayor within one-hundred-twenty (120) days of any vacancy and confirmed by the Town Council. If the appointee is not confirmed by the Town Council at the end of the one-hundred-twenty (120) days, the appointee may serve on an interim basis for no more than one-hundred-eighty (180) days total, during which time the Mayor shall propose three (3) candidates for the open position, one of which may be the interim appointee, for confirmation by the Town Council. If no candidate is confirmed by the Town Council within the one-hundred-eighty (180) day period, the Mayor may appoint and confirm a candidate from among the three (3) who will fill the position on a permanent basis. 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;

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Section 2.04 - Vice Mayor.

A Vice Mayor will be ~~recommended by the Mayor and~~ elected by the Town Council annually from among its members no later than the second regular Council meeting in March. The Vice Mayor will assume the duties of Mayor in the Mayor's absence.