

Introduced by: _____
1st Reading: _____
2nd Reading: _____

ORDINANCE NO. 2023-xxxx

**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA,
SUBMITTING TO THE ELECTORS OF EATONVILLE
PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN
OF EATONVILLE; PROVIDING BALLOT TITLES, SUMMARIES
AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING
DIRECTIONS TO THE TOWN CLERK; PROVIDING FOR
SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR
APPROVED AMENDMENTS; PROVIDING FOR AN EFFECTIVE
DATE FOR THE ORDINANCE.**

WHEREAS, the members of the Town of Eatonville Town Council have, in public meetings, studied and reviewed the Town of Eatonville Charter (the "Charter") and received public input regarding proposed amendments to the Charter; and

WHEREAS, the Town Council has determined that the Charter should be updated and revised in various sections; and

WHEREAS, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its Charter, which amendments may be to any part or to all of its Charter except that part describing the boundaries of such municipality; and

WHEREAS, the Town Council held a series of public meetings over several months, beginning on June 13, 2023, and ending on _____, 2023; and

WHEREAS, the Town Council has reviewed the entire Charter over that period and considered several changes which, if adopted by the electorate, would serve to clarify and modernize the language of the Charter in a manner consistent with state law and current practice; and

WHEREAS, the Town Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at the municipal election on _____, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA:

Section 1. The Town Council of the Town of Eatonville, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves amendments to the Charter of the Town of Eatonville to be submitted to the electorate for consideration, which proposed amendments and the complete text thereof, as amended, is set forth in Section 3 below. Additions are shown with underlining, deletions are shown with ~~strike through~~ type, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

Section 2. Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the Town of Eatonville now in force relating to elections in the Town of Eatonville. The Supervisor of Elections of Orange County is hereby requested to coordinate all matters to said referendum election with the Town Clerk. The proposed Charter amendments shall be submitted to the voters at the _____, 2024 election.

Section 3. The proposed amendments, the ballot title, and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions affixed to this Ordinance as Composite Exhibit 1.

Section 4. The Town Clerk is hereby directed to ensure that all advertising, translation, and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Orange County.

Section 5. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 3 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

Section 6. All ordinances and Charter provisions, or parts of ordinances and Charter provisions in conflict herewith are hereby repealed.

Section 7. This Ordinance shall take effect immediately and pursuant to the Town's Charter. The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the Town of Eatonville in accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the rejected amendment shall not take effect.

AUTHENTICATED THIS _____ DAY OF _____, A.D., 2023.

Angie Gardner, Mayor

Veronica King, Town Clerk

94 **COMPOSITE EXHIBIT 1**

95 **Explanation, Ballot Title, Question, Summary, and Text References**

96 **Question 1 – Establishing Qualifying Periods and Methods**

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100 **A. Explanation.**

101 This Charter amendment would provide a defined qualifying period for candidates and
102 methods of qualifying for office.
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105 **B. Ballot Proposal:** The ballot title, question and summary for Question #1 are as follows:
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107 PROVIDING A DEFINED QUALIFYING PERIOD
108 AND METHODS OF QUALIFYING FOR OFFICE.
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110 Amending the Charter to provide a defined qualifying period for candidates for
111 Mayor or Council and providing alternative methods of qualifying to run for office.
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113 _____ Yes

114 _____ No
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116

117 **C. Text References:** Article II, Section 2.02 of the Town of Eatonville Charter to be
118 amended as set forth in that section in the “All Proposed Changes” document
119 below. (Underline text is added to the Charter; ~~striketrough~~ text is deleted;
120 unmarked text is existing).
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122 **Question 2 – Confirmation of Mayoral Appointments**

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124 **D. Explanation.**

125 This Charter amendment would provide a revised method for confirming Mayoral
126 appointments and avoiding deadlock so that vacant positions can be filled.
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129 **E. Ballot Proposal:** The ballot title, question and summary for Question #2 are as follows:
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131 AMENDING THE METHOD FOR CONFIRMING
132 MAYORAL APPOINTMENTS TO AVOID
133 DEADLOCK.
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135 Amending confirmation of Mayoral appointments providing interim appointees not
136 confirmed by Council within 120 days, may continue to serve no more than 180
137 days, during which time the Mayor shall propose 3 candidates, one of which may
138 be the interim appointee, for confirmation by Council. If no candidate is confirmed
139 within the 180-day period, the Mayor may appoint a candidate from among the 3
140 who will fill the position on a permanent basis.
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142 _____ Yes

_____ No

- F. **Text References:** Article II, Section 2.03 of the Town of Eatonville Charter to be amended as set forth in that section in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 3 – Selection of Vice Mayor

A. **Explanation.**

This Charter amendment would change the method for selecting the Vice Mayor to provide for election by the Town Council.

- B. **Ballot Proposal:** The ballot title, question and summary for Question #3 are as follows:

AMENDING THE METHOD FOR SELECTING THE
VICE MAYOR.

Amending the method for the selection of the Vice Mayor to provide for election by the Town Council.

_____ Yes

_____ No

- C. **Text References:** Article II, Section 2.04 of the Town of Eatonville Charter to be amended as set forth in that section in the "All Proposed Changes" document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 4 - Clarification the Effective Date of Salary Increases for Mayor and Council

A. **Explanation.**

This Charter amendment would allow Council to include the effective date of any increase in the Mayoral or Council salaries in the ordinance implementing the increase.

- B. **Ballot Proposal:** The ballot title and question for Question #4 are as follows:

ALLOWING COUNCIL TO ESTABLISH THE
EFFECTIVE DATE OF ANY MAYORAL OR
COUNCIL SALARY INCREASE

Amending the Charter by allowing the Town Council to establish the effective date of any Mayoral or Council salary increases in the ordinance adopting such increases.

_____ Yes

_____ No

- C. Text References:** Article II, Section 2.05 of the Town of Eatonville Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 5 – Relocating Right to Hearing before Forfeiture of Office

A. Explanation.

This Charter amendment relocates the existing section providing a right to hearing for an official facing potential forfeiture of office to the section governing forfeiture of office, where it more correctly belongs.

- B. Ballot Proposal:** The ballot title and question for Question #5 are as follows: for an official

RELOCATING SECTION PROVIDING RIGHT TO
HEARING BEFORE FORFEITURE OF OFFICE

Relocating from Section 2.08 to Section 2.07 of the Charter the right to a hearing for elected officials charged with an offense that could result in forfeiture of office.

_____ Yes

_____ No

- C. Text References:** Article II, Sections 2.07 and 2.08 of the Town of Eatonville Charter to be amended as set forth in those sections in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strikethrough~~ text is deleted; unmarked text is existing).

Question 6 – Clarifying and Supplementing the Powers and Duties of the Town Clerk

A. Explanation.

This Charter amendment clarifies the powers of and adds supplemental responsibilities to the Town Clerk.

- B. Ballot Proposal:** The ballot title and question for Question #6 are as follows:

CLARIFYING AND SUPPLEMENTING THE
POWERS AND DUTIES OF THE TOWN CLERK

Amending the Charter by clarifying the duties of the Town Clerk and adding certain responsibilities to the position.

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_____ Yes
_____ No

C. Text References: Article 3, Section 3.02 of the Town of Eatonville Charter to be amended as set forth in that section in the “All Proposed Changes” document below. (Underline text is added to the Charter; ~~strike through~~ text is deleted; unmarked text is existing).

Town of Eatonville Charter – Proposed Amendments

(Additions underlined; deletions ~~striketrough~~)

ARTICLE II. – TOWN COUNCIL

Section 2.02 – Eligibility, terms, and composition.

(a) *Eligibility.* Only registered voters of Orange County who have resided within the Town of Eatonville Town limits for twelve consecutive months prior to the date of qualifying shall be eligible to hold the office of Mayor or Council Member.

(b) *Qualifying.* Any person who is eligible as set forth in Section 2.02(a) may become a candidate for nomination to the office of Mayor or to a Council seat by either: a) filing with the Town Clerk a petition subscribed to by not less than ten percent (10%) of the qualified electors of the Town who signed said petition not more than fourteen (14) days before the first day of qualifying; or b) paying the Town's prescribed qualifying fee as set by resolution.

A candidate seeking to qualify by petition must also file the signed and subscribed candidate oath nonpartisan office form, Sec. 99.021 F.S. together with the petition with the Town Clerk at any time after noon on the 14th day prior to the start of qualifying period but no later than noon the 10th day prior to the start of qualifying period. The Town Clerk shall promptly submit all timely filed candidate petitions to the Orange County Supervisor of Elections for certification as to elector status and residency. Each candidate for whom the Orange County Supervisor of Elections certifies residency, elector status, and the required number of petition signatures shall be eligible to qualify for election.

A candidate seeking to qualify by paying the Town's qualifying fee must pay same and file the signed and subscribed candidate oath nonpartisan office form, Sec. 99.021 F.S. with the Town Clerk before the qualifying period expires.

The first day of qualifying shall be any time after noon of the 50th day prior to the general Town election but not later than noon of the 46th day prior to the day of the general Town election. However, in any year which is a multiple of four and during which the general Town election is held concurrent with the Florida Presidential Preference Primary, the first day of qualifying shall be noon of the 80th day prior to the general Town election and the final day of qualifying shall be no later than noon of the 76th day prior to the election date. The Town Clerk shall post in Town hall notification of the date of the general Town election no later than ninety (90) days prior to the date of such general Town election.

(c) *Terms.* The term of office of the Mayor and Council Members shall be four (4) years elected in accordance with Article V. The terms of all such persons shall commence at the first regularly scheduled Council meeting following the certification of election results by the Canvassing Board. All such elected officials shall hold office until their Successors have been elected and qualified or until their tenure of office has otherwise been terminated in accordance with law.

(d) *Composition.* There shall be a Town Council composed of five (5) members, one of whom will qualify for and be designated as Mayor, elected by the voters of the Town, at large, in accordance with the provisions of Article V.

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,
- (b) Direct and supervise the administration of all departments, offices, and agencies of the Town, except as otherwise provided by this Charter or law;
- (c) Chair and be a voting member of the Town Council;
- (d) See that all laws, provisions of this Charter and acts of the Town 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 Town Council and implement the final budget approved by Council to achieve the goals of the Town;
- (f) Submit to the Town Council and make available to the public a complete report on the finances and administrative activities of the town as of the end of each fiscal year;
- (g) Make such other reports as the Town Council may require concerning operations;
- (h) Keep the Town Council fully advised as to the financial condition and future needs of the town;
- (i) Encourage and provide staff support for regional and intergovernmental cooperation; and

(j) Promote partnerships among Council, staff, and citizens in developing public policy and building a sense of community.

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.

Section 2.05 - Compensation; expenses.

The Town Council may determine the annual salary of the Mayor and Council Members by Ordinance, ~~but no Ordinance increasing such salary shall become effective until the date of commencement of the terms of council members elected at the next regular election.~~ The Mayor and Council Members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

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

(a) *Vacancies.* The office of the Mayor or a Council Member shall become vacant upon the member's death, resignation, suspension, or removal from office or forfeiture of office in any manner authorized by law.

(b) *Forfeiture of office.* The Mayor and Council Members shall forfeit that office if the Mayor or Council member:

- (1) Fails to maintain the residency requirements as set forth in Section 2.02(a);
- (2) Violates any express prohibition of this Charter;
- (3) Is convicted of a crime involving a felony; or
- (4) Fails to attend four (4) consecutive regular meetings of the Council without being excused by the Council.

(5) A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand and notice of such hearing shall be published in a newspaper of general circulation in the town at least one calendar week in advance of the hearing.

(c) *Filling of vacancies.* Should a vacancy in the office of Town Council occur when there are (60) days or less left in the unexpired term, no appointment shall be made and that vacancy will be filled at the next regular municipal election. Should a vacancy occur when there are more than sixty (60) days left in the unexpired term that vacancy shall be filled by the Town Council within thirty (30) days of the date of the vacancy with any qualified resident so appointed to serve until a successor is elected at the next regular municipal election.

If a vacancy is not filled by the Town Council within thirty (30) days after the vacancy occurs as described above, a special election shall be held within ninety (90) days after such vacancy

occurs or as soon thereafter as such election may be held; and the person so elected shall serve the remaining unexpired term of office.

Should a vacancy occur in the office of Mayor, the Vice Mayor will assume the office of Mayor until the next regular Municipal election. If there is time remaining in the term of the Vice Mayor after the election, the Vice Mayor shall return to the Council to fill the remainder of the term.

(d) *Extraordinary vacancies.* In the event that all council members are removed by death, disability, resignation, or forfeiture of office, or any combination thereof, the governor shall appoint interim Council Members who shall call a special election within not fewer than thirty (30) days or more than sixty (60) days after such appointment. Such election shall be held in the same manner as the elections under this Charter. Appointees must meet the all requirements for candidates as provided in this Charter.

Section 2.08 - Judge of qualifications.

The Town Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. ~~A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in a newspaper of general circulation in the town at least one calendar week in advance of the hearing.~~

ARTICLE III. – DEPARTMENTS, OFFICES, AND AGENCIES

Section 3.02 - Town Clerk.

The Town Council shall appoint an officer of the town who shall have the title of Town Clerk. The Town Clerk shall not be in the classified service of the Town and shall not be subject to the civil service laws affecting the Town. The Town Clerk shall be appointed without regard to political affiliation and shall serve at the pleasure of the Town Council. The Clerk shall be appointed and may be removed by a simple majority vote of the Council. ~~The Town Clerk shall be the custodian of all Town Council records; shall give notice of Council meetings to its members and the public; shall keep minutes of its proceedings; and perform such other duties as are assigned by this Charter or the Town Council.~~

The Town Clerk shall:

- a. Keep the records of the Council and perform all duties which are assigned by the Charter or by law.
- b. Maintain the offices and conference rooms of the Town Council.

- c. Provide clerical, secretarial, or administrative assistance to Council committees and advisory boards that function as an extension of the Town Council, either directly or through delegation.
- d. Provide, maintain, and update the office legislative files, committee calendars, and other documents necessary to the conduct of legislative business, and be responsible for all official records of the Legislative branch of Government.
- e. Be the custodian of all Town Council records.
- f. Give notice of Council meetings to its members and the public, keep minutes of its proceedings, and perform such other duties as are assigned by this Charter or the Town Council.

The Town Clerk shall be responsible for all matters of staff support for the Council.

The Town Clerk shall be responsible for the divisions and functions of the office of the Town Clerk and shall exercise direct control and supervision and/or support for all employees and staff of the office of the Town Clerk. The Town Council may appoint an Administrative Assistant to the Town Clerk who shall serve at the pleasure of the Town Clerk and who may be assigned by the Town Clerk to assist Council members individually. The Administrative Assistant to the Town Clerk shall not be in the classified service of the Town and shall not be subject to the civil service laws affecting the Town.