

Introduced by: Attorney Clifford Shepard

1st Reading: September 19, 2023

2nd Reading: October 3, 2023

ORDINANCE NO. 2023-8

**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 September 7, 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 March 19, 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 ~~striketrough~~ 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

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48 and the Charter and ordinances of the Town of Eatonville now in force relating to elections in the
49 Town of Eatonville. The Supervisor of Elections of Orange County is hereby requested to
50 coordinate all matters to said referendum election with the Town Clerk. The proposed Charter
51 amendments shall be submitted to the voters at the March 19, 2024 election.
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53 **Section 3.** The proposed amendments, the ballot title, and the wording of the
54 substance of the proposed amendments to the Charter, as contained in this Ordinance, shall
55 appear on the ballot in the form of questions affixed to this Ordinance as Composite Exhibit 1.
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57 **Section 4.** The Town Clerk is hereby directed to ensure that all advertising, translation,
58 and notice requirements are complied with and to coordinate all activities necessary to conduct
59 the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections
60 for Orange County.
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62 **Section 5.** If any section, subsection, sentence, clause, phrase, or portion of this
63 Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction,
64 such portion shall be deemed a separate, distinct, and independent provision and such holding
65 shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a
66 majority of electors of one or more separate amendments to this Charter, as set forth in Section
67 3 herein, shall not be deemed to affect the validity of any amendments that may be approved by
68 a majority of the electors.
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70 **Section 6.** All ordinances and Charter provisions, or parts of ordinances and Charter
71 provisions in conflict herewith are hereby repealed.
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73 **Section 7.** This Ordinance shall take effect immediately and pursuant to the Town's
74 Charter. The revised Charter provisions proposed for approval in this Ordinance shall become
75 effective upon their approval at a referendum election of the electors of the Town of Eatonville in
76 accordance with Section 166.031, Florida Statutes. If the electors reject an amendment, the
77 rejected amendment shall not take effect.
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80 **AUTHENTICATED THIS 3 DAY OF October, A.D., 2023.**
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85 **Angie Gardner, Mayor**
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90 **Veronica King, Town Clerk**
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92 **COMPOSITE EXHIBIT 1**

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

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

95 **A. Explanation.**

96 This Charter amendment would provide a defined qualifying period for candidates and
97 methods of qualifying for office.

98 **B. Ballot Proposal:** The ballot title, question and summary for Question #1 are as follows:

99
100 PROVIDING A DEFINED QUALIFYING PERIOD
101 AND METHODS OF QUALIFYING FOR OFFICE.

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103 Amending the Charter to provide a defined qualifying period for candidates for
104 Mayor or Council and providing alternative methods of qualifying to run for office.

105 _____ Yes

106 _____ No

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108 **C. Text References:** Article II, Section 2.02 of the Town of Eatonville Charter to be
109 amended as set forth in that section in the “All Proposed Changes” document
110 below. (Underline text is added to the Charter; ~~striketrough~~ text is deleted;
111 unmarked text is existing).

112 **Question 2 – Confirmation of Mayoral Appointments**

113 **A. Explanation.**

114 This Charter amendment would provide a revised method for confirming Mayoral
115 appointments and avoiding deadlock so that vacant positions can be filled.

116 **B. Ballot Proposal:** The ballot title, question and summary for Question #2 are as follows:

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118 AMENDING THE METHOD FOR CONFIRMING
119 MAYORAL APPOINTMENTS TO AVOID
120 DEADLOCK.

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122 Amending confirmation of Mayoral appointments providing interim appointees not
123 confirmed by Council within 120 days, may continue to serve no more than 180
124 days, during which time the Mayor shall propose 3 candidates, one of which may
125 be the interim appointee, for confirmation by Council. If no candidate is confirmed
126 within the 180-day period, the Mayor may appoint a candidate from among the 3
127 who will fill the position on a permanent basis.

128 _____ Yes

_____ No

- C. **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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_____ 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).