

**ORDINANCE NO. 2758-09**

**AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA  
PROPOSING AN AMENDMENT TO THE CITY CHARTER OF  
THE CITY OF WINTER PARK, FLORIDA BY AMENDING  
SECTIONS 1.02.1, 2.04, 2.08(b), 3.03, 3.04(d) AND (e) OF THE  
CHARTER; PROVIDING A BALLOT TITLE AND WORDING  
FOR THE SUBSTANCE OF THE PROPOSED AMENDMENTS;  
PROVIDING FOR REFERENDUM BY THE ELECTORS OF THE  
CITY OF WINTER PARK FOR APPROVAL OR REJECTION OF  
THE CHARTER AMENDMENT PROPOSALS; PROVIDING AN  
EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Winter Park desires to see the City's governance conducted in an efficient manner, preserving resources and time; and

**WHEREAS**, a review of the City Charter's provisions was made a strategic initiative of the City in June, 2008; and

**WHEREAS**, in furtherance of this goal the City Commission directed the City Manager and staff to conduct a review of the City Charter and provide suggestions based on operational experience with the aim of increasing efficiency; and

**WHEREAS**, in light of the City Commission's goals and requests, the City Manager and staff provided several suggested revisions ; and

**WHEREAS**, Section 1.03(a) of the City Charter provides that the City Commission may by ordinance propose amendments to the Charter, with those proposed ordinances to be put to a vote of the electors of the City; and

**WHEREAS**, the City Commission believes that proposing certain amendments to the Charter to be voted upon by the public will be in the best interest of the City and its citizens;

**NOW, THEREFORE**, be it enacted by the people of the City of Winter Park, Florida as follows:

**Section 1.** Pursuant to Section 1.03 of the City Charter of the City of Winter Park, Florida, the City Commission of the City of Winter Park, Florida hereby proposes by ordinance that the City Charter be amended as set forth in Section 2 hereof.

**Section 2.** There shall be placed upon the ballot of the March, 2009 City general election proposed amendments to the City Charter addressing the following topics:

- (a) Amending Section 1.02.1 of the City Charter so that a change in the legal boundaries of the City arising from annexation is not required to be published in the Charter, but instead only published as with other adopted Ordinances;

- (b) Amending Section 2.04 of the City Charter so that the term of office of commissioners or the mayor begin with the first City Commission meeting following certification of the election results;
- (c) Amending Section 2.08(b) of the City Charter to delete the word "journal" from the subtitle and deleting the second sentence of the subsection;
- (d) Amending Section 3.03 of the City Charter to reflect that the Supervisor of Elections may control the form of the ballot for city elections;
- (e) Amending Section 3.04(d) of the City Charter to provide that the Supervisor of Elections may select and hire an appropriate number of poll workers, deleting requirement that the city clerk determine the appropriate number and report number and names of poll workers to the City Commission; and
- (f) Amending Section 3.04(e) of the City Charter so that three members of the City Commission make up the City canvassing board, with the city clerk as an alternate member instead of a specially appointed alternate member.

**Section 3.** The ballot titles and ballot summary of the proposed amendments for the referendum is set forth on **Exhibit "A,"** attached hereto and by reference made a part hereof. Subject to voter approval, the City Manager, after consultation with the City Attorney, is authorized to make changes to the City Charter as set forth on **Exhibit "B,"** attached hereto.

**Section 4.** The above mentioned proposed amendments to the Charter shall be placed to a vote of the electors of the City of Winter Park at the next general election to be held Tuesday, March 10, 2009. Such election shall be held in conformity with the laws and ordinances now in force relating to elections in the State of Florida and the City of Winter Park, Florida.

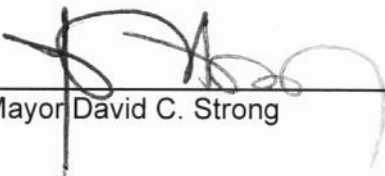
**Section 5.** Prior to the day of the election, but not more than ten (10) days prior to the election, notice of the referendum provided above in substantially the form attached hereto as **Exhibit "C"** and a sample ballot shall be published in the Orlando Sentinel or another newspaper published and of general circulation in the City of Winter Park.

**Section 6.** The above mentioned proposed amendments to the City Charter shall take effect (if approved by a vote of the electors of the City of Winter Park) upon certification of the election.

**Section 7.** This ordinance shall become effective immediately upon passage and adoption.

**Section 8.** Any existing ordinance of the City of Winter Park, or portions thereof, in conflict with the terms of this ordinance are hereby repealed.

**ADOPTED** at a regular meeting of the City Commission of the City of Winter Park, Florida, held at City Hall, Winter Park, Florida, on the 12<sup>th</sup> day of January, 2009.

  
\_\_\_\_\_  
Mayor David C. Strong

Attest:   
\_\_\_\_\_  
City Clerk Cynthia Bonham

**EXHIBIT "A"**

**CHARTER AMENDMENT REMOVING REQUIREMENT THAT CHARTER  
CONTAIN LEGAL BOUNDARIES OF CITY ARISING FROM ANNEXATION**

Should Section 1.02.1 of the City Charter be amended to provide that changes in the legal boundaries of the City arising from annexation are not required to be published in the City Charter, but instead only published as with other adopted Ordinances?

- (a) YES
- (b) NO

**CHARTER AMENDMENT CHANGING BEGINNING  
DATE OF COMMISSIONERS' AND MAYOR'S TERM OF OFFICE**

Should Section 2.04 of the City Charter be amended to provide that the terms of office of commissioners and the mayor begin with the first City Commission meeting following the certification of the election results?

- (a) YES
- (b) NO

**CHARTER AMENDMENT REMOVING REQUIREMENT THAT  
JOURNAL BE KEPT TO RECORD OFFICIAL ACTS OF COMMISSION**

Should Section 2.08(b) of the City Charter be amended to delete the word "and journal" from the subtitle and delete the second sentence in that subsection, which would remove the requirement that a journal be kept to record the official acts of the City Commission?

- (a) YES
- (b) NO

**CHARTER AMENDMENT PROVIDING THAT  
SUPERVISOR OF ELECTIONS MAY CONTROL FORM OF BALLOT**

Should Section 3.03 of the City Charter be amended to reflect that the supervisor of elections may control the form of the ballot for City elections?

- (a) YES
- (b) NO

**CHARTER AMENDMENT PROVIDING THAT SUPERVISOR  
OF ELECTIONS MAY CONTROL NUMBER OF POLL WORKERS**

Should Section 3.04(d) of the City Charter be amended to provide that the supervisor of elections may select and hire an appropriate number of poll workers, and to delete the requirement that the City Clerk determine the appropriate number and report number and names of poll workers to the City Commission?

- (a) YES
- (b) NO

**CHARTER AMENDMENT CHANGING  
COMPOSITION OF CITY CANVASSING BOARD**

Should Section 3.04(e) of the City Charter be amended to provide that three members of the City Commission make up the City canvassing board, with the City Clerk as an alternate member instead of a specially appointed alternate member?

- (a) YES
- (b) NO

## EXHIBIT "B"

### **Sec. 1.02.1. Additions to and extensions of corporate limits.**

[EXISTING TEXT DELETED]

Any changes in the corporate limits of the City of Winter Park described in Section 1.02 resulting from annexations or deannexations are not required to be published in the City Charter. If a change is not published in the City Charter pursuant to the foregoing, then any such change shall be published as with other ordinances adopted by the city commission.

### **Sec. 2.04. Term of office.**

(a) The term of office of any person or persons elected commissioner or mayor at any general election held in the city shall be three (3) years and shall commence and begin ~~on the fourth Tuesday in March~~ on the date of the first city commission meeting following certificate of the election results. No member of the city commission shall serve more than four (4) consecutive terms in office, either as mayor or commissioner or any combination thereof.

### **Section 2.08. Procedure.**

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(b) ~~Rules and journal. The commission shall determine its own rules and order of business. A journal shall be kept in which shall be maintained a written record of all official acts of the commission. Minutes shall be kept of all commission proceedings.~~

### **Section 3.03. Form of ballots.**

~~The city commission by ordinance shall prescribe~~ The supervisor of elections may control the form of the ballot including the method of listing candidates for city commissioner and mayor elections and any other city election. If such form is not prescribed by the supervisor of elections, then the city commission by ordinance shall prescribe the form of the ballot. A charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title but a ballot title shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear language which will enable a voter of reasonable intelligence to vote for or against the proposed measure. A sample ballot and verbatim text of any amendment or measure to be voted upon shall be available for free distribution at city hall at least seven (7) working days before the election day and also available for review at the polling place. A sample ballot shall be published in a newspaper of general circulation prior to the day of the election, but no more than ten (10) days prior to the election. This provision shall be deemed complied

with if the state causes a publication of a sample ballot prior to a city election. Such publication shall be conspicuous and not be included within the routine legal notices and advertisements.

### **Section 3.04. Elections; primaries.**

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(d) Poll workers. At each polling place, there shall be a sufficient number of poll workers to handle the anticipated number of voters. The supervisor of elections ~~may~~ and city clerk shall determine the necessary number of poll workers for any election. If the supervisor of elections fails to determine such number of poll workers, then the city clerk shall determine the appropriate number of poll workers. The supervisor of elections (or the city clerk, as applicable) and shall report the number of poll workers it together with the names of the poll workers to the city commission prior to the date of the election. The supervisor of elections shall appoint the poll workers when a city election is held in conjunction with a state election conducted by the supervisor of elections. The supervisor of elections may also elect to appoint the poll workers for any other City election. If the supervisor of elections has not elected to appoint the poll workers for any city election that is not held in conjunction with a state election, then ~~the city commission shall appoint the poll workers for any city election; provided, however, when a city election is held in conjunction with a state election conducted by the supervisor of elections, the poll workers shall be those appointed by the supervisor of elections~~ for such city election. At a city election not held in conjunction with a state election, a deputy sheriff need not be appointed for each polling place.

(e) Canvassing board. For any city election, the city commission shall appoint three (3) of its members to be the canvassing board. No commissioner or mayor shall participate in the canvassing of the returns of an election for which said commissioner or mayor is a candidate or subject to recall. ~~The city commission shall select prior to each election one alternate canvassing board member~~ For each any disqualified city commissioner or mayor, the city clerk shall act as the alternate canvassing board member. Each alternate member selected shall be a resident of the city and shall have the qualifications of electors therein.

**EXHIBIT "C"**

**NOTICE OF REFERENDUM IN THE CITY OF WINTER PARK,  
FLORIDA, ON MARCH 10, 2009**

NOTICE IS HEREBY GIVEN THAT A REFERENDUM will be held on March 10, 2009, in the City of Winter Park, Florida for the purpose of determining whether the City Charter should be amended to: 1) not require that a change in the legal boundaries of the City arising from annexation to be published in the Charter, 2) change the beginning of the term of office of commissioners and the mayor, 3) remove the requirement that a journal be kept to record the official acts of the City Commission, 4) provide that the Supervisor of Elections may control of the form of ballots for City elections, 5) provide that the Supervisor of Elections may select and hire poll workers, and that the City Clerk is not required to determine the number, and report to the City Commission the number and names, of poll workers, and 6) provide that the City canvassing board be made up of three members of the City Commission, with the City Clerk as an alternate member; all as more particularly described and provided for in Ordinance No. 2758-09 of the City of Winter Park, Florida. A sample ballot is published in full below as part of this notice.

All qualified electors residing within the area of the City of Winter Park, Florida shall be entitled, qualified and permitted to vote at such referendum.

CITY OF WINTER PARK, FLORIDA

By: \_\_\_\_\_  
City Manager