

EXHIBIT "H-1"
TO ORDINANCE NO. 2009-030

1. **Text of Proposed Amendment.**

i. The Charter of the City of Ocoee is amended to add a Preamble to read as follows:

We the people of the City of Ocoee, Florida, under the constitutions and laws of the United States of America and the State of Florida, in order to provide the benefits of local government responsive to the will and values of our citizens, do hereby adopt and ratify this charter to define the powers and structure of our government. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards and operates as a careful steward of the human, fiscal and natural resources of our city.

ii. Section C-8.AA of Article II of the Charter of the City of Ocoee is amended to read as follows:

AA. Sewer and water systems. To own, acquire, construct, reconstruct, equip, operate, maintain, extend, improve and regulate the water systems (including reclaimed water systems), sewer systems or combined water and sewer systems; to levy and collect fees for the use of such systems; to exercise all powers derived from other municipal and legislative enactments in favor of the city pertaining to the sewage and water systems.

iii. Section C-9 of Article III of the Charter of the City of Ocoee is amended to read as follows:

§ C-9. Created; composition, designation, election generally. [Amended 9-20-1988 by Ord. No. 88-28]

There is hereby created a City Commission, to consist of five (5) members, one (1) of whom shall be known and designated as the "Mayor"; the other four (4) shall be known and designated as "Commissioners." One (1) of the Commissioners shall also be known and designated as "Mayor ~~Pro Tem~~ pro tem." The Mayor shall represent the city at large, and the Commissioners shall each represent the single-member district in which they reside. The Mayor shall be elected by the electors of the city at large. Each of the Commissioners shall be elected by the electors residing only in the respective single-member district which he represents on the City Commission. The Mayor ~~Pro Tem~~ pro tem shall be elected from among the Commissioners by the City Commission but shall continue to represent the district in which such Commissioner resides. The Mayor ~~Pro Tem~~ pro tem shall be elected at the first City Commission meeting following the swearing in of the candidates elected at each general city election

(unless there is a runoff election, in which case the Mayor Pro Tem shall be elected at the first City Commission meeting following the swearing in of the candidates elected at such runoff election) and shall serve as Mayor ~~Pro Tem~~ pro tem until the successor is elected. The City Commission shall hold office in the manner hereinafter provided and shall constitute the governing body and authority of the City of Ocoee with all the powers and privileges herein granted and provided. Except as otherwise provided in this Charter, whenever this Charter contains a reference to "all members of the City Commission", such reference shall include the entire City Commission and shall not be construed to include only those members present and voting.

iv. Section C-13 of Article III of the Charter of the City of Ocoee is amended to read as follows:

§ C-13. Regular and special meetings; meetings and records open to public; rules and order of business; record of proceedings.

The City Commission shall meet at the usual place for holding the meetings of the legislative body of the city and at such times as may be prescribed by ordinance or resolution, except that it must meet regularly at least once each month. An agenda of all items wherein City Commission action may be required shall be prepared by the City Manager or the City Manager's designee for all regular and special City Commission meetings; provided, however, that any member of the City Commission may direct the City Manager to place items on the agenda for action or discussion by the City Commission. Such agenda shall be made available to the public at least twenty-four (24) hours prior to all regular and special City Commission meetings. Only matters on the agenda or matters of an emergency nature may be acted upon by the City Commission. The Mayor alone shall have the power to declare what shall constitute an emergency matter; provided, however, that such power shall not in any way be used for the purpose of evading the requirements of this section. Any member of the City Commission may call special meetings of the City Commission upon at least twenty-four (24) hours' notice to the public and at least twenty-four (24) hours' ~~written~~ notice to each member of the City Commission, ~~served~~ contacted personally or left at their usual place of business. The notice requirement to the members of the City Commission shall be deemed satisfied if a waiver of notice is signed by all members of the City Commission or if all members are present at roll call. The Mayor or Mayor ~~Pro Tem~~ pro tem may, to the extent permitted by law, call emergency sessions upon such notice as may be appropriate and effective under the circumstances. Except as otherwise provided under the laws of Florida, all meetings of the City Commission and all committees thereof shall be public, and any citizen shall have access to the minutes and records thereof at all reasonable times. The City Commission shall determine its own rules and order of business and shall keep a record of its proceedings.

v. Section C-14 of Article III of the Charter of the City of Ocoee is amended to read as follows:

§ C-14. Quorum; necessary vote for adoption of ordinances and resolutions; roll call.

A majority of all members of the City Commission shall constitute a quorum, but a ~~lesser~~ lesser number may adjourn from day to day. Except as otherwise provided under the laws of Florida, all members of the City Commission shall have the right to vote on all ordinances, resolutions and other matters coming before the City Commission for action. The affirmative vote of a majority of all members of the City Commission shall be necessary to adopt any ordinance or resolution. The vote of each member of the City Commission shall be recorded and entered in the minutes.

vi. Section C-16 of Article III of the Charter of the City of Ocoee is amended to read as follows:

§ C-16. ~~Compensation~~ Salary; expenses.

The City Commission may determine the annual salary of the Mayor, the Mayor ~~Pro Tem~~ pro tem and the Commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of members of the City Commission elected at the next regular city election, provided that such election follows the adoption of such ordinance by at least six (6) months. Members of the City Commission shall receive their actual and necessary expense incurred in the performance of their duties of office.

vii. Section C-27 of Article V of the Charter of the City of Ocoee is amended to read as follows:

§ C-27. Oath required; form.

Every official of the city, before ~~entering~~ commencing the duties of office, shall take and subscribe to an oath or affirmation to be filed with the City Clerk, which shall be in a form prescribed for state officers under the constitution and the laws of Florida.

viii. Section C-28.B of Article V of the Charter of the City of Ocoee is amended to read as follows:

B. ~~Deputy Acting~~ City Clerk.

- (1) The City Clerk may designate a qualified individual as a ~~Deputy an Acting~~ City Clerk to exercise the powers and perform the duties of City Clerk during the temporary absence of the City Clerk, subject to the approval of

the City Manager. In the event that the City Clerk is temporarily absent and fails to designate someone as ~~Deputy-Acting~~ City Clerk, the City Manager may then designate a qualified individual to serve as a ~~Deputy~~ Acting City Clerk.

- (2) The ~~Deputy-Acting~~ City Clerk shall serve at the pleasure of the City Manager and may be removed by the City Manager at any time, with or without cause. The removal of the ~~Deputy-Acting~~ City Clerk shall not affect, in any manner, any other positions such person may hold with the city.
- (3) The ~~Deputy-Acting~~ City Clerk shall serve as ~~Acting City Clerk~~ until such time as the City Clerk resumes the position of City Clerk, a new City Clerk is appointed by the City Manager or the ~~Deputy-Acting~~ City Clerk is removed and a new ~~Deputy-Acting~~ City Clerk is appointed by the City Manager.

ix. Section C-30 of Article V of the Charter of the City of Ocoee is amended to read as follows:

§ C-30. Personnel system-Board.

- A. Establishment of a Personnel Board. There shall be a Personnel Board consisting of five (5) members appointed by the City Commission for terms of three (3) years. The members of the Personnel Board shall be qualified electors of the city and shall serve at the pleasure of the City Commission. The Personnel Board shall consist of at least one (1) city employee, one (1) City Commissioner, one (1) person who holds a management position with the city and one (1) citizen of Ocoee who is not employed by and does not hold office with the city. All members of the Personnel Board must be qualified electors of the city during their entire term on the Personnel Board in order to remain a member of such Board. Any city employee, City Commissioner or person holding a management position with the city who is appointed to the Personnel Board must hold his respective position with the city during his entire term on the Personnel Board in order to remain a member of such Board.
- B. Vacancies. Any vacancy occurring during the term of any member of the Personnel Board shall be filled by the City Commission for the remainder of the term. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.
- C. Powers and duties. The Personnel Board shall be responsible for reviewing personnel policies for the city which are submitted to them by the City Manager and recommending such policies to the City Commission for adoption or amendment. The City Manager shall adhere to all personnel policies. The

Personnel Board shall also have such other powers and duties as may be established by ordinance by the City Commission. [Amended 1-5-1999 by Ord. No. 99-07⁶]

⁶ **Editor's Note: This ordinance was approved by the electorate of the City of Ocoee by referendum 3-9-1999. Said ordinance also provided for an effective date of 6-1-1999.**

x. Section C-36 of Article VI of the Charter of the City of Ocoee is amended to read as follows:

§ C-36 . Capital Improvement Program.

- A. The City Manager shall prepare and submit to the City Commission a five-year capital program ~~at least three (3) months prior to the final date for submission of the budget as part of the annual budget.~~ The capital program shall include:
- (1) A clear, general summary of its contents.
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements.
 - (3) Cost estimates, method of financing and recommended time schedules for each such improvement.
 - (4) ~~The estimated annual cost of operating and maintaining the facilities to be constructed or acquired. The amount of budget appropriated in prior fiscal years, if any, for each such improvement.~~
- B. The above information may be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.
- C. At any time during the fiscal year, the City Commission may, by resolution, add, delete, or revise the scope and funding of capital projects contained in the Capital Improvement Program.

xi. Section C-37 of Article VI of the Charter of the City of Ocoee is amended to read as follows:

§ C-37. Adoption of budget.

The public shall be given advance notice of all meetings of the City Commission at which the proposed budget is to be considered. Such notice shall be published in a newspaper of general circulation in the City of Ocoee at least seven (7) days ~~but no more than thirty (30) days~~ before any such meeting. The budget shall be

finally adopted at a public meeting of the City Commission in accordance with
the laws of Florida.