

ORDINANCE NO. 20-2183

AN ORDINANCE OF THE CITY OF LONGWOOD, FLORIDA, PROPOSING AMENDMENTS TO THE CHARTER OF THE CITY OF LONGWOOD, FLORIDA; PROVIDING THAT SAID PROPOSED CHARTER AMENDMENTS BE SUBMITTED TO THE VOTERS FOR REFERENDUM AT ELECTION HELD ON TUESDAY, NOVEMBER 3, 2020; PROVIDING THAT IF APPROVED, SUCH AMENDMENTS SHALL BE INCORPORATED INTO THE CITY CHARTER; PROVIDING FOR CODIFICATION AND CORRECTIONS, DIRECTIONS TO CITY STAFF, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, Section 166.031, Florida Statutes, provides for the adoption of an ordinance submitting proposed amendments to the City of Longwood's Charter to the electors of the City for approval;

WHEREAS, the City of Longwood Charter Advisory Committee met to review the City Charter and recommended that the City Commission submit certain proposed charter amendments to voter approval by referendum; and

WHEREAS, the City Commission of the City of Longwood, Florida, has met and reviewed the Charter Advisory Committee's proposed revisions to the City Charter; and

WHEREAS, the City Commission desires to place the Charter Advisory Committee's proposed amendments of the City Charter amendment subject to a few revisions directed by the City Commission and more specifically identified in this Ordinance on the ballot for voter consideration and potential approval; and

WHEREAS, the City of Longwood proposes the following amendments to the Charter of the City of Longwood be submitted to the voters of the City of Longwood at the election held on Tuesday, November 3, 2020.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF LONGWOOD, FLORIDA, AS FOLLOWS:

SECTION 1. Amendment #1. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows:

[The language below provides instructions for amendments to the Charter to make the Charter gender-neutral and is not intended to be a provision placed in the City Charter]

Whenever in the Charter of the City of Longwood, Florida, the gender-specific pronoun of “he” or “his” is used when referencing the Mayor, a City Commissioner, City Manager or other official or employee, the title of the official or employee is to be substituted for such gender-specific pronoun and other grammatical changes are to be made to the same sentence as may be needed to make the sentence grammatically correct and gender-neutral. The City Clerk is given liberal authority to effectuate the intent of this charter amendment to make the charter gender-neutral and to avoid the use of “he” or “his” when referencing City officials and employees.

SECTION 2. Amendment #1 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 1 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #1

GENDER NEUTRAL LANGUAGE

Shall the Longwood City Charter be amended to provide for gender-neutral language when referencing city officials and employees?

YES _____

NO _____

SECTION 3. Amendment #2. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

Section 3.01. - Composition, qualifications of members, commission districts, election, term of office, oath and forfeiture.

(c) Geographical commission districts.

(1) The City Commission of the City of Longwood, Florida, shall by separate ordinance divide the City into five (5) geographical commission districts or such number of commission districts as there shall be commissioners and each commissioner shall reside in a separate commission district during his or her term of office.

(2) The boundaries of such districts shall be defined by said ordinance, ~~and~~ The boundaries of such districts shall be considered for amended amendment within 180 days of the official certification of the decennial census of the state and at other such times from time to time as necessary to maintain said districts in as nearly equal population as practicable.

(3) No candidate, commissioner-elect, or commissioner shall have his or her name removed from the ballot, nor be sworn or forfeit his or her office for reason of non-residence due to re-districting, but shall continue to serve until his or her successor is duly elected and qualified.

SECTION 4. Amendment #2 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 3 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #2

BOUNDARIES OF COMMISSION DISTRICTS

Shall Section 3.01 of Longwood City Charter be amended to require the city to consider amending the city commission district boundaries within 180 days after each official certification of the decennial census and at other such times as necessary to maintain said districts in as nearly equal population as practicable?

YES_____

NO _____

SECTION 5. Amendment #3. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

Section 3.03. - Mayor and deputy mayor.

- (a) The Commission shall elect from among its members officers of the City who shall have the title of Mayor and Deputy Mayor, each of whom shall serve at the pleasure of the Commission. The Mayor shall preside as chairperson at meetings of the Commission, and shall be recognized as head of the City Government for all ceremonial purposes and by the Governor for purposes of military law. The Mayor shall, on behalf of the city, sign ordinances, resolutions, bonds, contracts and instruments conveying city property rights, plats and other similar documents approved by the Commission ~~and which that are~~ traditionally signed by the Mayor. Other than ~~previously~~ authorized by this charter, the Mayor shall have no administrative duties. The Deputy Mayor shall act as Mayor during the absence or disability of the Mayor.

SECTION 6. Amendment #3 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 5 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #3

DUTIES OF MAYOR

Shall Section 3.03 of Longwood City Charter be amended to clarify the duties of the Mayor concerning the Mayor's authority to sign certain city documents, and the Mayor's role as the chairperson of the City Commission meetings?

YES _____

NO _____

SECTION 7. Amendment #4. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

Section 6.06. - Amendments after adoption.

(a) Supplemental appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Commission by resolution ~~or ordinance~~ may make supplemental appropriations for the year up to the amount of such excess.

(b) Reduction of appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, the City Manager shall report to the City Commission without delay indicating the estimated amount of the deficit, any remedial action taken by the City Manager to eliminate said deficit, and the recommendations of the City Manager as to any other steps to be taken. The City Commission shall then take such further action as it deems necessary to prevent any deficit, and for that purpose it may by resolution ~~or ordinance~~ reduce one (1) or more appropriations.

(c) Transfer of appropriations. At any time during the fiscal year or sixty (60) days after the end of the fiscal year the City Commission by resolution ~~or ordinance~~ may transfer part or all of any unencumbered appropriation balance among programs within a department and transfer part or all of any unencumbered appropriation balance from one (1) department or fund ~~or office~~ to the appropriation of another department or fund or to new appropriation. The City Commission by ordinance may delegate to the City Manager or his/her designee the authority to make budget transfers that do not change the total appropriations within a fund and adopt

procedures governing budget transfers by the City Manager or his/her designee. Any transfers made by City Manager shall be reported to the City Commission in writing in a timely manner and are subject to reversal or modification by majority vote of the City Commission.

(d) Emergency Appropriations. To address a public emergency affecting life, health, property or the public peace, the City Commission may make emergency appropriations. Such appropriations may be made by emergency resolution. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Commission may by such emergency resolution authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long-term debt not later than the last day of the fiscal year succeeding that in which the emergency appropriation was made.

(de) Limitations; effective date; notice. No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption. Any budget amendment that changes the total appropriations within a fund may be adopted by resolution of the City Commission after conducting at least one public hearing, notice of which may be made by posting the proposed amendment on the City's website at least five (5) days in advance of the public hearing.

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SECTION 8. Amendment #4 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 7 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #4

BUDGET TRANSFERS AND AMENDMENTS; EMERGENCY APPROPRIATIONS

Shall Section 6.06 of the Longwood City Charter be amended to provide for budget amendments and fund transfers by resolution of the City Commission, require public notice and hearing for budget amendments changing the total appropriations within a fund, allowing delegation to the City Manager by ordinance of certain budget

transfers that do not change the total appropriations within a fund, and providing for emergency appropriations and notes by resolution of the City Commission?

YES _____

NO _____

SECTION 9. Amendment #5. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

~~Section 7.02. Board of adjustment.~~

~~The City Commission shall by ordinance establish a Board of Adjustment and shall provide standards and procedures for such board to hear and determine appeals from administrative decisions, petitions for variances in the case of particular and unusual circumstances which would prevent the reasonable use of land and such other matters as may be required by the City Commission or by law. The Board of Adjustment shall consist of five (5) members appointed by the City Commission for terms of three (3) years from among the qualified voters of the City. Members of the Board of Adjustment shall hold no other City office or employment.~~

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SECTION 10. Amendment #5 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 9 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT
QUESTION #5

BOARD OF ADJUSTMENT

Shall Section 7.02 of the Longwood City Charter be deleted to eliminate the Board of Adjustment as a charter-required city board?

YES _____

NO _____

SECTION 11. Amendment #6. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

Section 8.02. - Candidate qualifying procedures.

(a) Voters. Any qualified voter of the City may qualify for the City Commission as a district Commissioner.

(b) Qualifying fee. A non-refundable qualifying fee equal to five (5) percent of the annual compensation of the office being sought shall be required of each candidate, ~~or, if such candidate is unable to pay the qualifying fee, then~~ the candidate shall be required to qualify in accordance with F.S. § 99.095.

* * * * *

Section 8.03. - Form of ballots.

~~The form of ballots shall be consistent with state law. A Charter amendment to be voted on by the City shall be presented for voting by ballot title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice. Immediately below such question shall appear, in the following order, the word "Yes" and also the word "No" with a sufficient blank space thereafter for the placing of the symbol "X" to indicate the voter's choice or with a lever opposite "Yes" or "No" if voting machines are used.~~

SECTION 12. Amendment #6 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 11 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #6

CANDIDATE QUALIFYING AND FORM OF BALLOTS

Shall Section 8.02 of the Longwood City Charter be amended to clarify that candidate qualification for city commission requires a fee of 5% of the annual compensation for the office or the petition process under F.S. 99.095, and shall Section 8.03 be amended to require the form of election ballots to be consistent with state law?

YES _____

NO _____

SECTION 13. Amendment #7. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

Section 10.03. - Prohibitions.

(a) Activities prohibited.

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against, with respect to any City position or appointive City administrative office because of age, race or national origin, sex, handicap, or political or religious opinions or affiliations.

(2) No person shall willfully make any false statement, certificate, mark, rating, or report in regard to any test, certification, or appointment under the personnel provisions of this Charter, civil service legislation, or the rules and regulations made pursuant to this Charter, or in any manner commit or attempt to commit any fraud preventing the impartial execution of such provisions, rules, and regulations.

(3) No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render, or pay any money, service, or other valuable thing to any person for or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion.

~~(4) No person shall orally, by letter or otherwise, solicit or assist in soliciting any assessment, subscription, or contribution for any municipal political purpose whatever from any person holding any compensated appointive City position.~~

~~(b) Penalties. Any person who, by himself or with others, willfully violates any of the provisions of paragraphs (1) through (4) shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety days (90)[days] or both. Any person convicted under this section shall be ineligible for a period of five (5) years thereafter to hold any City office or position and, if an officer or employee of the City, shall immediately forfeit his office or position. Any person who willfully violates any of the provisions of subsections (a)(1) through (a)(3) shall be punished as prescribed by an ordinance.~~

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SECTION 14. Amendment #7 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 13 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #7

PROHIBITED ACTS

Shall Section 10.03 of the Longwood City Charter be amended to eliminate an ambiguous prohibited acts subsection regarding soliciting a subscription or contribution for any municipal political purpose from persons holding compensated appointed city positions, and to prescribe penalties for violations of Section 10.03 by an ordinance.

YES _____

NO _____

SECTION 15. Amendment #8. The following amendment to the Charter of the City of Longwood is submitted to the qualified electors of the City of Longwood and upon approval by the qualified electors, the City Charter shall be amended to read as follows (words that are ~~stricken out~~ are deletions; words that are underlined are additions; stars *** indicate separations between sections or subsections and do not represent revisions):

Section 12.03. - Members.

The police department shall consist of not less than two and two-tenths (2.2) officers per thousand (1,000) population, ~~or~~ and such other members as shall be determined by the City Commission.

The fire department shall consist of no fewer firefighters than 40, and such other members as shall be determined by the City Commission ~~existed on November 4, 1997.~~

SECTION 16. Amendment #7 Ballot Question. The ballot title and summary of the charter amendment referenced in Section 15 herein, followed by the words “yes” and “no” shall be set forth as follows on the ballot at the election held on Tuesday, November 3, 2020, for consideration by the qualified electors of the City of Longwood, Florida:

PROPOSED CHARTER AMENDMENT

QUESTION #8

POLICE DEPARTMENT AND FIRE DEPARTMENT

Shall Section 12.03 of the Longwood City Charter be amended to clarify the minimum police officer requirements for the Police Department and to establish a forty firefighter minimum for the Fire Department?

YES _____

NO _____

SECTION 17. Referendum. The forgoing proposed amendments to the Charter of the City of Longwood above and its accompanying ballot questions contained herein shall be individually placed on the City ballot and submitted to the qualified voters of the City of Longwood at the election held on Tuesday, November 3, 2020. The qualified voters shall have an opportunity to vote on the proposed amendments to the Charter. Thereafter, the Charter of the City of Longwood, Florida shall be amended pursuant to the proposed amendments if such amendments receive “yes” or affirmative votes from the majority of the votes cast. The City Clerk of the City of Longwood is hereby authorized and directed to advertise the referendum election authorized herein in accordance with the applicable provisions of the City Charter, City Code, Florida Statutes, Florida Administrative Code, and federal law. In the event it becomes necessary, as determined by the City Commission, to make modifications to any ballot question, ballot summary or to remove a proposed charter amendment from the ballot contained herein after adoption of this Ordinance, the City Commission may make such modification by resolution. In the event it becomes necessary, as determined by the City Commission, to reschedule the referendum on the proposed amendments to the City Charter set forth herein, the City Commission may make such modification by resolution.

SECTION 18. Codification & Corrections. Any City Charter amendment provided for in this Ordinance, which receives affirmative votes from the majority of the votes cast shall be incorporated into the City Charter of the City of Longwood. Any section, paragraph number, cross references, letter and/or any heading, may be changed or modified in the existing Charter and the charter amendments proposed herein adopted as necessary to effectuate the foregoing, including for consistency with other charter amendments adopted. Grammatical, typographical and similar like errors may be corrected, and additions, alterations, and omissions not affecting the construction or meaning of this Ordinance or the City Charter may be freely made.

SECTION 19. Directions to City Staff. The City Manager and City Clerk are directed and authorized to take such actions as are necessary and advisable to effect and carry out this Ordinance and the City Charter amendments and referendum provided for herein. If the City Charter is amended, a copy of the revised City Charter shall be filed with the Department of State in accordance with Section 166.031(2), Florida Statutes.

SECTION 20. Severability. The provisions of this Ordinance are declared to be separable and if any section, sentence, clause, or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 21. Conflicts. In the event of a conflict or conflicts between this Ordinance and other ordinances, this Ordinance shall control to the extent such conflict exists.

SECTION 22. Effective Date of this Ordinance. This Ordinance shall become effective immediately upon its passage and adoption.


SECTION 23. Effective Date of Proposed Charter Amendment. Any City Charter amendment provided for herein shall become effective immediately upon approval by the certified voters of the City of Longwood and certification by the Seminole County Supervisor of Elections or other appropriate officer or entity. Any proposed amendment that is not approved by the certified voters of the City of Longwood will not be incorporated into the City Charter.

FIRST READING: July 20, 2020

SECOND READING: August 3, 2020

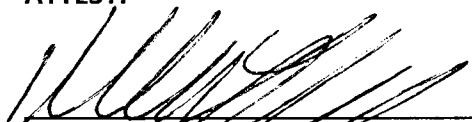
PASSED AND ADOPTED THIS 3rd DAY OF August, A.D., 2020.

CITY OF LONGWOOD, FLORIDA




Matt Morgan, Mayor

ATTEST:



Michelle Longo, CMC, FCRM
City Clerk

Approved as to form and legality for the use and reliance of the City of Longwood,
Florida, only.


Daniel W. Langley, City Attorney

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