



In order to facilitate a review of the City of Apopka, Florida charter, I have aggregated its provisions into issues relating to similar Charter Provisions. Attached are 16 papers aggregating similar charter issues. Attached to each paper is the precise existing charter language that is included.

I have not included in any paper provisions in the charter in Article VI relating to transition schedule since they are not matters of substance.

**INFORMATION PROVIDED BY ROBERT NABORS, ESQ.
FOR COMMUNITY MEETING ON CITY CHARTER
ON NOVEMBER 8, 2012**

1. FORM OF GOVERNMENT

Sec. 1.01. - Corporate name, corporate existence, form of government, and Charter.

The municipality hereby established shall be known as the City of Apopka, Florida (the "city"). The City of Apopka in Orange County, Florida, which was created by general law, shall continue as a municipal corporation with a mayor-council form of government and with this document as the Charter for the city (the "Charter").

2. GENERAL POWERS OF THE CITY AND CITY COUNCIL

Sec. 1.03. - General powers of city.

The city shall have all governmental, corporate, and proprietary powers possible for a city to have under the constitution and laws of the State of Florida as though they were specifically enumerated in this Charter to enable it to conduct municipal government, perform municipal functions and render municipal services, and the city may exercise any power for municipal purposes except as expressly prohibited by law or this Charter.

Sec. 1.04. - Construction.

The powers of the city shall be construed liberally in favor of the city, limited only by the constitution and general and special law of the State of Florida and specific limitations in this Charter.

Sec. 2.05. - General powers of city council.

All powers of the city shall be vested in the city council except those powers specifically reserved by this Charter to the electors of the city.

3. COMPOSITION OF CITY COUNCIL, ELECTION AND TERMS

Sec. 2.01. - Composition of city council.

A mayor and four city commissioners shall constitute the city council of the city (the "city council").

Sec. 2.02. - Election and terms.

(a) The regular election of the mayor and city commissioners shall be held in the manner now provided by laws and ordinances for holding municipal elections or as may be hereafter provided for by law or ordinance for a term of four years. All elections shall be for a four-year term of office, except as provided in section 2.02(c) of this Charter.

(b) The city council seats are hereby designated as Seats one, two, three and four. The present members of the city council elected to serve on the city council shall serve as the first city council until expiration of their current terms.

(c) A mayor and two city council members shall be elected to serve for four years from the date of the expiration of the term of office of the present mayor and two city council members holding seats designated as one and two, and said election every four years thereafter shall be held as is now or may be hereafter provided by law or ordinance; thus maintaining a five-member city council; two city council members being elected at one time and a mayor and two city council members at another time.

Council members holding seats designated herein as seats three and four, whose terms expire on December 31, 1993, will face election in 1993 for one three-year term. Thereafter, the mayor and city commissioners will face election for four year terms.

When there is only one candidate qualified for an available seat, the name of the candidate shall not be printed on the election ballot, and such candidate shall be declared elected to the seat.

4. COMPENSATION AND EXPENSES OF MAYOR AND CITY COUNCIL

Sec. 2.03. - Compensation; expenses of council.

The mayor and all members of the city council shall receive a salary as now provided by law and ordinance or as hereafter provided by the city council by law or ordinance. No change in the compensation ordinance for a city commissioner shall become effective until the duties of [sic] commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such law or ordinance by at least six months. The mayor and each city commissioner shall be reimbursed from the city treasury to cover the expenditures naturally and necessarily incurred in the performance of their duties of office and said reimbursement procedure shall be established by ordinance and/or resolution.

The mayor shall receive the salary established for the mayor in the annual budget.

5. DUTIES OF MAYOR

Sec. 2.04. - Mayor.

The mayor shall be the chief executive officer of the city and shall be responsible to the electorate for the administration of all city affairs placed in his/her charge by or under this Charter. The mayor shall:

(a) Appoint and, when the mayor deems it necessary for the good of the city, suspend or terminate all city employees and appointive administrative officers provided for by or under this Charter. Department heads shall be appointed by the mayor and ratified by the city council. 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 city, except as otherwise provided by this Charter or by law.

(c) Chair and be a voting member of the city council.

(d) See that all laws, provisions of this Charter and acts of the city 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 city council as provided by law or ordinance.

(f) The vice-mayor will be the senior commissioner and shall serve as chair of city council meetings in the absences of the mayor. In the event the senior commissioner declines the vice-mayor position, the city council will elect the vice-mayor from among the remaining members of the city council.

6. CITY COUNCIL AND CITY EMPLOYEE RELATIONSHIPS

Sec. 2.06. - Council-employee relationship.

No city commissioner shall in any manner dictate the appointment or removal of any city employee, nor shall a city commissioner give orders to any employee other than orders by action of the city council to the city clerk and/or city attorney. Nothing herein shall be construed to deny a city commissioner access to records or information maintained by city employees.

7. VACANCIES

Sec. 2.07. - Vacancies, filling of vacancies.

(a) Vacancies. The offices of mayor and city commissioner shall become vacant in accordance with general law or by absence from four consecutive regular city council meetings without being excused by the city council prior to the fourth consecutive absence.

(b) Filling of vacancies. If any vacancy occurs on the city council, except for extraordinary vacancies, and the unexpired term is less than one year, the remaining members of the said city council shall appoint a person to fill such vacancy on or before the second regular meeting of the city council following the office becoming vacant. If the unexpired term exceeds one year, the remaining members shall call an election to be held within 60 days, or as soon thereafter to comply with state election laws, to fill such vacancy. The person so elected shall hold office for the unexpired term.

(c) Extraordinary vacancies. In the event that a member of the city council is removed temporarily from office, the remaining members of the city council shall appoint an interim city council member to serve until the council member being replaced returns to office or until the next city general election, whichever first occurs.

8. GENERAL POWERS OF CITY COUNCIL AND CITY COUNCIL MEETINGS

Sec. 2.05. - General powers of city council.

All powers of the city shall be vested in the city council except those powers specifically reserved by this Charter to the electors of the city.

Sec. 2.08. - City council meetings.

(a) Time and place. The city council shall meet regularly at such times and places as the city council may prescribe by rule. Special meetings may be held at the call of the mayor, or, in the mayor's absence at the call of the vice-mayor, or at the request of a majority of the city council; and, whenever practicable, shall provide for not less than 12 hours' notice to the public.

(b) Quorum. A majority of the city council shall constitute a quorum. No action of the city council shall be valid unless adopted by the affirmative vote of a majority of the city council present and voting.

(c) Rules. The city council shall determine its own rules and order of business.

9. APPOINTMENTS AND DUTY OF CLERK AND CITY ATTORNEY

Sec. 3.01. - Appointment.

The city clerk and city attorney shall be appointed by the mayor and ratified by the city council. The city clerk and city attorney shall serve at the pleasure of the mayor and the city council.

10. DEFINITION OF ELECTOR, NON PARTISAN ELECTIONS AND QUALIFYING

Sec. 4.01. - Electors.

Any person who is a resident of the city, who has qualified as an elector of the State of Florida, and who registers in the city in the manner prescribed by law shall be an elector of the city.

Sec. 4.02. - Nonpartisan elections.

All elections for the offices of mayor and city commissioner shall be conducted on a nonpartisan basis without any designation of political party affiliation.

Sec. 4.03. - Qualifying.

Candidates for the offices of mayor and city commissioner shall qualify by filing a written notice of candidacy with the city clerk at such time and in such manner as may be prescribed by ordinance. Each member of the city council, which includes the mayor, shall be a resident of the City of Apopka, Florida, for a period of one year next preceding his or her election to office and shall be a registered voter pursuant to Florida law.

11. SCHEDULE AND NOTICE OF ELECTIONS

Sec. 4.04. - Schedule and notice of elections.

Elections within the city shall be held on the first Tuesday in December in those years when required for the election of a city official, or as amended by ordinance or law at least six months prior to the city general election.

12. RECALL OF CITY COUNCIL MEMBERS

Sec. 4.05. - Recall.

Any member of the city council may be removed from office by the electors of the city following the procedures for recall established by general law and ordinances of the city.

13. CHARTER AMENDMENT

Sec. 5.01. - Charter amendments.

This Charter may be amended pursuant to the home rule powers in the Municipal Home Rule Powers Act, F.S. ch. 166, or its successor and/or pursuant to the home rule powers granted under the Constitution of the State of Florida.

14. OATH OF OFFICERS

Sec. 5.02. - Oath of officers.

After election or appointment and before taking office the mayor and each commissioner of the city shall swear or affirm:

"I do solemnly swear (or affirm) that I will support, protect and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the constitution of the state and under the Charter of the City of Apopka; and I will well and faithfully perform the duties of _____ (title of office) _____ on which I am now about to enter so help me God."

15. BUDGET ADOPTION AND ANNUAL AUDIT

Sec. 5.03. - Budget adoption.

The city council shall adopt an annual budget for the city by ordinance or resolution before October 1 of each year in accordance with Florida law. An ordinance or resolution adopting an annual budget shall constitute appropriations of the amounts specified as expenditures.

Sec. 5.04. - Annual audit.

The city shall have an annual audit in accordance with Florida law.

16. ORDINANCE INITIATIVES

Sec. 5.05. - Initiative generally.

(a) Any proposed ordinance may be submitted to the city council by a petition signed by 25 percent of the total number of votes cast at the last preceding general election of the city. Procedure and format for petitions will be as established by general law or ordinances of the city.

(b) Prior to submission to city council, any such proposed ordinance will be reviewed by the city attorney as to form and compliance with state law and the constitution.

(c) Within 60 days of submission of the petition to city council or as soon thereafter to comply with state law, the city council may adopt the ordinance or shall call a special election to be held within 60 days or as soon thereafter to comply with state law, at which the adoption or rejection of such ordinance shall be submitted to the qualified voters of the city.

(d) If a majority of the qualified voters voting on the proposed ordinance shall vote in favor thereof, the ordinance shall thereupon become a valid ordinance in the city.

(e) Any number of proposed ordinances may be voted upon at the same election according to the provisions of this section.