

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA, AMENDING ARTICLES II, V, VIII, IX, X, XII, XIV, XV, AND XVII, ENTITLED “CITY ATTORNEY,” “CITY CLERK,” “RULES AND PROCEDURES FOR CITY COUNCIL,” RULES OF ORDER BEFORE BOARDS AND COMMISSIONS,” “EMPLOYEE BENEFITS,” “PUBLIC RECORDS—RETENTION AND DISPOSITION,” “BOARDS,” AND “AUDIT BOARD,” BY DELETING ARTICLE XXXIII, “NAVAL TRAINING CENTER/COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD,” AND BY DELETING SECTIONS 2.27 AND 2.107, CLARIFYING DUTIES AND RESPONSIBILITIES OF OFFICIALS AND BOARD MEMBERS AND DELETING SECTIONS THAT HAVE BECOME OBSOLETE; PROVIDING FOR CODIFICATION, CORRECTION OF SCRIVENER’S ERRORS, SEVERABILITY AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF ORLANDO, FLORIDA:

SECTION ONE. Chapter 2 of the Code of the City of Orlando is hereby amended as follows:

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ARTICLE II. CITY ATTORNEY

Sec. 2.11. Appointment; Duties Generally.

The City Attorney shall be appointed by the Mayor and confirmed by the City Council. The City Attorney shall attend to the legal business of the City and give legal advice in all City matters referred to him by the Mayor and/or City Council or by the officers of the City relative to their duties. The City Attorney or one of his assistants shall attend and provide legal counsel at each meeting of the City Council of which he has due notice that his attendance is required. ~~Except as provided in Section 2.15, T~~he City Attorney shall be responsible for the prosecutione and defensed ofn civil actions brought by or against the City.

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Sec. 2.15. Assistants.

One or more Assistant City Attorneys may be appointed by the Mayor ~~and confirmed by the City Council~~. Any or all such assistants may act in the absence of the City Attorney and shall perform such duties and functions as may be

assigned to them by the City Attorney or the Mayor and/or City Council. In addition, the City Prosecutor and the Police Legal Advisor hereby are authorized to act in the capacity of an Assistant City Attorney in the prosecution or defense of such civil actions brought by or against the City as may be deemed advisable and authorized ~~in writing~~ by the City Attorney.

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ARTICLE V. CITY CLERK

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Sec. 2.23. Official Municipal Seals.

~~(1)~~ The following seals are hereby formally adopted as the Official Municipal Seals of the City of Orlando:

CEREMONIAL OFFICIAL SEAL
[insert diagram of seal here]

ADMINISTRATIVE OFFICIAL SEAL
[insert diagram of seal here]

~~(2) The City Clerk shall be the custodian of the Official Municipal Seals.~~

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Sec. 2.27. Reserved.

Sec. 2.27. Reports of Officials

~~The reports of all officials shall be filed with the City Clerk on the first business day of each month, or as soon thereafter as is practicable.~~

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ARTICLE VIII. RULES AND PROCEDURES FOR CITY COUNCIL

Sec. 2.37. Agenda.

All reports, communications, ordinances, resolutions, contract documents or other matters to be submitted to the Council must be delivered to the City Clerk on or before 12:00 noon ~~ten (10) days on Wednesday~~ before the regular meeting of Council at which such matter is to be submitted; unless an exemption has been granted by the Mayor or Chief Administrative Officer; whereupon, the City Clerk shall arrange an agenda list of such matters and furnish a copy of the same to the Mayor and Commissioners prior to the Council meeting and as far in advance of the meeting a time for preparation will permit.

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Sec. 2.39. Same—Calling Council to Order.

The Mayor, or in his absence the Mayor pro tem, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Mayor pro tem, the City Clerk, or ~~designee~~Deputy, shall call the Council to order; whereupon, a temporary chairman shall be elected by the members of the Council present. Upon the arrival of the Mayor or Mayor pro tem, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

Sec. 2.40. Roll Call.

Before proceeding with the business of the Council, the City Clerk or ~~designee~~Deputy shall take the roll of the members, and the names of those present shall be entered in the minutes.

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ARTICLE IX. ORDINANCES

Sec. 2.52. Advertising.

Ordinances shall be advertised ~~in a newspaper of general circulation~~ as required by the applicable provisions of the Florida Statutes.

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ARTICLE X. RULES OF ORDER BEFORE BOARDS AND COMMISSIONS

Sec. 2.57. Addressing Boards and Commissions—Permission Required of Presiding Officer; Exception.

Any person desiring to address ~~b~~Boards and ~~c~~Commissions shall first secure the permission of the presiding officer so to do at the time provided for such input; provided, however, that under the following headings of business, unless the presiding officer rules otherwise, any qualified person may address the ~~b~~Board or ~~c~~Commission without securing such prior permission:

- (1) *Written Communications.* Interested parties or their authorized representatives may address the ~~b~~Board or ~~c~~Commission by written communications in regard to matters then under discussion. Such communications shall be heard in the order of receipt by the ~~secretary of the City Clerk, if the matter is before the b~~Board or Commission.; ~~or the secretary to any other body the pertinent matter is before.~~
- (2) *Oral Communications.* Taxpayers or residents of the City, or their authorized legal representatives, may address the ~~b~~Board or ~~c~~Commission by oral communications on any matter concerning the City's business, or any matter over which the ~~b~~Board or ~~c~~Commission has control; provided, however, that preference shall be given to those persons who may have notified ~~the City Clerk or~~ the appropriate secretary in advance of their desire to speak. ~~in order that the same may appear on the agenda of the Board or Commission.~~
- (3) *Reading of Protests, etc.* Interested persons or their authorized representatives may address the ~~b~~Board or ~~c~~Commission by reading of protests, petitions, or communications relating to zoning, sewer and street proceedings, hearings on protest, appeals and petitions, or similar matters, in regard to matters then under consideration.

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ARTICLE XII. EMPLOYEE BENEFITS

DIVISION 1. RETIREMENT SYSTEM

Sec. 2.71. Established; Placed Under Management of Pension Board.

A retirement system is hereby established and placed under the management of the Pension Board, consisting of the City Council, for the purpose of providing retirement allowances and death benefits for elected

officials, appointed officials and employees of the City. It shall be known as the Employees' Retirement System of the City of Orlando.

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Sec. 2.73. Enforcement.

The general administration and responsibility for the proper operation of the ~~Employees' Retirement~~ System are hereby vested in the City Council, and the Council shall have the power to establish, from time to time, such rules and regulations for the administration of the ~~Employees' Retirement~~ System as may be necessary and to enter into any contracts or agreements whereby the provisions of this division may be carried out. The City Council shall have the power to establish one or more pension advisory committees whose purpose shall be to review, investigate and recommend to City Council proposals concerning the ~~Employees' Retirement~~ System. The City Council further reserves continuous power to amend this division from time to time as may be necessary.

Sec. 2.74. Employees Entitled to Participate in System.

All other requirements of the ~~Employees' Retirement~~ System annuity plan having been met, all non-civil service permanent employees of the City shall, as a condition of employment, participate in the ~~Employees' Retirement~~ System; provided however, that no civil service employee of the Police or Fire Departments shall be entitled to participation in the plan established by this division, such departments having their own separate retirement plans.

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ARTICLE XIV. PUBLIC RECORDS—RETENTION AND DISPOSITION

Sec. 2.106. Photographing and Destruction of Public Records.

The City Clerk hereby is designated as the manager of the records of the City of Orlando, Florida, and shall have the authority, ~~with the concurrence of the Records Retention Committee,~~ to promulgate suitable guidelines and rules for the orderly management, scheduling, destruction, and microfilming of public records of the City. Such guidelines and rules shall comply with rules and regulations established by the Division of Archives, History and Records Management of the Department of State of the State of Florida, and with the provisions of Florida Statutes ch. 119. ~~Before the Clerk shall order any public records destroyed by a department head or other official, such destruction also shall be approved by the Records Retention Committee.~~

Sec. 2.107. Reserved.

Sec. 2.107. Records Retention Committee.

~~There is hereby created a Records Retention Committee consisting of the City Clerk, the Chief Financial Officer, the City Attorney, and the Mayor, or their respective designees. The Records Retention Committee shall make and promulgate suitable rules, within the limitations of this article, governing the management, scheduling, destruction and microfilming of public records of the City. Nothing herein contained, however, shall relieve the Records Retention Committee of the duty of investigation and approving the destruction of each individual series of records when it is proposed that such series of records be destroyed.~~

Sec. 2.108. Manner of Preserving Microfilming Records.

Preservation Microfilming of records shall be accomplished by the methods or system best calculated to perpetuate records ~~on film and~~ in accordance with ~~microfilm~~ specifications as established by ~~the Division of Archives, History and Records Management of~~ the Florida Department of State.

Sec. 2.109. Manner of Destroying Records.

Destruction of records shall be accomplished by shredding, maceration, incineration, or other method approved by the Division of Archives, History and Records Management of the Florida Department of State. Upon the destruction of any City records, as herein provided, the person destroying and the person witnessing the destruction of the same forthwith shall make and file with the City Clerk a certificate describing the records destroyed and certifying the date and manner of destruction, ~~(as provided on Form DS-RM 107, Notice of Intent to Destroy Scheduled Records).~~

Sec. 2.110. Survey of Records by Department.

At intervals in the discretion of the department head, the head of each department of the City shall make, or cause to be made, a survey of the departmental records and shall forward to the City Clerk, ~~for consideration by the Records Retention Committee,~~ recommendations as to destruction, digitization and/or microfilming ~~or microfilming and destruction,~~ of any of the said departmental records. The recommendations submitted by the department head ~~and acted upon by the committee~~ then shall be prepared and submitted by the City Clerk to the Division of Archives, History and Records Management on Form DS-RM 105, Request for Records Retention Schedule or One-Time Disposal Authorization, and when approved by the division, shall become the official retention schedule or disposal authorization for the records of that department.

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ARTICLE XV. BOARDS

Sec. 2.115. Nominating Board—Established.

There is hereby created a Nominating Board to make recommendations to the Mayor for citizens to be appointed to boards and mMulti-jurisdictional Boards. The Nominating Board shall consist of nine (9) regular members, ~~and one ex officio, non-voting member to serve as liaison with the Mayor's office.~~ Members shall serve without compensation. Staff support shall be provided by the City Clerk.

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Sec. 2.119. Same—Process of Appointment.

- (1) Current ~~or pending citizen~~ vacancies on boards and multi-jurisdictional boards are posted online at the City Clerk's webpage. ~~may be advertised in a publication of general circulation at least twice each year.~~
- (2) Any citizen wishing consideration for a board or multi-jurisdictional boards appointment shall indicate his or her interest by completing an application form, either online at the City's website or on paper at the City Clerk's office. ~~for the purpose, to be provided by the City Clerk.~~

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Sec. 2.121. Same—Attendance.

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- (2) Board chairmen shall have the duty to report such absences as may be violative of this section to the City Clerk. ~~Office of the Mayor~~

Sec. 2.122. Same—Chairman.

- (1) Each board shall elect its chairman from among its members. While preference should be given to those members who have had a minimum of one year's service on the board, the board may elect as its chairman a member with less than one year's service on the board. The chairman shall serve a term of one year, and may not serve more than two (2) consecutive terms as chairman on the same board. Notwithstanding any provision of this Code to the contrary, annual elections for chairmen and vice chairmen for all City boards shall take place at the first regular board meeting after the bBoard's term expiration month each year. Chairmen and vice chairmen shall take office the meeting following their election.

~~(2) The Board chairman shall be required to attend regularly scheduled meetings with the Mayor.~~

(23) This section shall also apply to the position of vice chairman, where applicable.

Sec. 2.123. Orientation.

~~(1) Upon acceptance of appointment to a board, or multi-jurisdictional board, each citizen shall be provided with orientation materials and training on applicable state laws, City ordinances, and policies, required to attend an orientation session. This orientation session will acquaint new citizen members with items such as, but not limited to the following:~~

~~(2) History and organization of City government; Responsibilities of board members; Explanation of "Government in the Sunshine," and Financial Disclosure Laws; and the City Ethics Policy. Presentation of the City's Growth Management Plan and its relationship to all boards.~~

(2) Departments and offices~~bureaus~~ under which board responsibility falls are encouraged to provide initial and ongoing training for specific boards.

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ARTICLE XVII. AUDIT BOARD

Sec. 2.130. Established; Composition.

There is hereby created an Audit Board to advise the City Council on financial and audit matters. It shall consist of five (5) members, at least four (4) of whom have financial experience. Staff support shall be provided by the Office of Audit Services and Management Support~~and Evaluation~~. Members of the Board shall serve without compensation.

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ARTICLE XXXIII. RESERVED.

Secs. 2.212-2.216. Reserved.

~~ARTICLE XXXIII. NAVAL TRAINING CENTER/COMMUNITY REDEVELOPMENT AGENCY ADVISORY BOARD~~

~~Sec. 2.212. Establishment and Composition.~~

~~There is hereby established a Naval Training Center/Community Redevelopment Agency Advisory Board, which shall consist of not more than seven (7) members serving without pay to be appointed by the Mayor, subject to the approval of the City Council.~~

~~Sec. 2.213. Term of Office and Filling of Vacancies.~~

~~Initial appointments to this board shall be staggered, with four (4) members appointed for a term of two (2) years, and three (3) members appointed for a term of one (1) year. Vacancies in the Board, other than by expiration of term, shall be filled in the same manner as provided for original appointments in Section 2.119 of this Code, but shall be only for the unexpired term. Members serving one (1) year terms may be reappointed for two (2) successive two (2) year terms (five (5) years total). In addition, there will be two (2) non-voting members representing the Commanding Officer, Orlando Naval Training Center, and the Department of Defense Office of Economic Adjustment.~~

~~Sec. 2.214. Powers and Duties.~~

~~The Naval Training Center/Community Redevelopment Agency Advisory Board shall have the following powers and duties:~~

~~(1) The Board shall elect its own chairman, vice chairman, and secretary. The Board may designate one of its own members to serve as secretary, or may designate some person not a member of the Board to serve as secretary thereof, without pay. A non-Board member secretary shall have no vote in the affairs of the Board.~~

~~(2) The Board may create such subcommittees as deemed appropriate, subject to the approval of the Community Redevelopment Agency Chairman.~~

~~(3) The Board shall coordinate with and assist neighborhood and homeowner associations concerning future use of the Naval Training Center area, and implementation of the Naval Training Center Re-Use Plans.~~

~~(4) The Board shall recommend to the Mayor and City Council, in their capacity as the Chairman and Community Redevelopment Agency, for consideration and approval the actions deemed most suitable for implementing the Naval Training Center Re-Use Plans.~~

~~(5) The Board shall actively participate in the implementation and execution of approved Re-Use Plans, including establishment, acquisition, construction, ownership, financing, disposition of property, leasing, licensing, operation, and management of publicly owned or leased facilities deemed feasible and beneficial in effecting implementation of the Re-Use Plans development.~~

~~(6) The Board shall develop the annual work program and annual budget for recommendation to the Community Redevelopment Agency for approval.~~

~~(7) The Board shall perform such other duties as may be assigned by the Community Redevelopment Agency Chairman (Mayor) from time to time.~~

~~2.215. Meetings, Records, Quorum and Minutes.~~

~~The Naval Training Center/Community Redevelopment Agency Advisory Board shall meet at the call of the chairman or upon call by the Community Redevelopment Agency Chairman (Mayor). All meetings of the Board and any subcommittee thereof shall be public, and complete records of its deliberations shall be kept which records shall be open to the public. Four (4) members shall constitute a quorum. The minutes shall be filed with the City Council through the City Clerk, a copy of the minutes of each of its meetings, which minutes shall be filed with the City Council at the next ensuing regular meeting of the City Council following the meeting of the Board.~~

~~2.216. Action Subject to Approval.~~

~~All action taken by the Naval Training Center/Community Redevelopment Agency Advisory Board and all subcommittees thereof, shall be subject to the approval or disapproval of the Mayor and City Council, sitting as the Community Redevelopment Agency.~~

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SECTION TWO. CODIFICATION. The City Clerk and the City Attorney shall cause the Code of the City of Orlando, Florida, to be amended as provided by this ordinance and may renumber, re-letter, and rearrange the codified parts of this ordinance if necessary to facilitate finding the law.

SECTION THREE. SCRIVENER'S ERROR. The City Attorney may correct scrivener's errors found in this ordinance by filing a corrected copy of this ordinance with the City Clerk.

SECTION FOUR. SEVERABILITY. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION FIVE. EFFECTIVE DATE. This ordinance takes effect upon adoption.

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DONE, THE FIRST READING, by the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

DONE, THE PUBLIC NOTICE, in a newspaper of general circulation in the City of Orlando, Florida, by the City Clerk of the City of Orlando, Florida, this _____ day of _____, 2015.

DONE, THE SECOND READING, THE PUBLIC HEARING, AND ENACTED ON FINAL PASSAGE, by an affirmative vote of a majority of a quorum present of the City Council of the City of Orlando, Florida, at a regular meeting, this _____ day of _____, 2015.

BY THE MAYOR/MAYOR PRO TEMPORE OF
THE CITY OF ORLANDO, FLORIDA:

Mayor / Mayor Pro Tempore

ATTEST, BY THE CLERK OF THE
CITY COUNCIL OF THE CITY OF
ORLANDO, FLORIDA:

City Clerk

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND RELIANCE OF THE
CITY OF ORLANDO, FLORIDA:

City Attorney

[Remainder of page intentionally left blank.]