

MEMORANDUM

TO: Mayor & Council Members
FROM: Debbie Renner, City Clerk
DATE: February 24, 2009
SUBJECT: Charter Referendum

PURPOSE

To adopt Resolution No. 532-09 certifying the results of the referendum election held on February 17, 2009 to present to voters proposed changes to the City Charter.

BACKGROUND

A referendum election was conducted by mail ballot to present proposed revisions to the City Charter to active voters in the City. The election was conducted by the Volusia County Supervisor of Elections office. The deadline to have ballots returned to the Elections Department was 7:00 p.m. on February 17, 2009.

The Volusia County Canvassing Board convened at 1:00 p.m. on February 17th to begin canvassing the ballots and the results of the tabulation were certified by that Board at about 8:00 p.m.

The City Charter requires in Section 4.12 that, "*The Council shall certify the results of the election provided by the Supervisor of Elections Office at the first regular Council meeting following the election.*" In accordance with that Charter requirement, Resolution No. 532-09 is being presented for your approval to certify the results of the February 17, 2009 referendum election.

Upon your adoption of Resolution No. 532-09, the revised Charter will be transmitted to the Florida Secretary of State and will become effective upon that filing.

RESOLUTION NO. 532-09

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, CERTIFYING THE RESULTS OF THE REFERENDUM ELECTION AS CERTIFIED BY THE VOLUSIA COUNTY CANVASSING BOARD ON FEBRUARY 17, 2009, REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a Referendum election was held by mail ballot election in the City of Orange City, Florida, on February 17, 2009 to consider proposed revisions to the City Charter; and; and,

WHEREAS, said ballots were mailed to all qualified electors of the City to be returned to the Volusia County Supervisor of Elections by February 17, 2009 at 7:00 p.m.; and,

WHEREAS, pursuant to State Law, the Volusia County Canvassing Board met in a duly advertised meeting on February 17, 2009 and publicly canvassed the votes given.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA:

SECTION 1. That the results of the February 17, 2009 special mail ballot referendum election were as certified by the County Canvassing Board as follows:

City Charter Amendment 1:

TITLE: CHARTER AMENDMENTS TO PROVIDE FOR THE ELECTION OF CITY COUNCIL MEMBERS BY DISTRICTS.

SUMMARY: These Amendments provide for the election of five Council Members from districts in which each resides and for the election of a Council Member and the Mayor at large. These amendments facilitate a transition from the present City Council, elected at large, and for the Council to establish and thereafter to adjust the districts by ordinance, using the census, according to general law.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1365 of which number

For received 876 votes
Against received 489 votes

City Charter Amendment 2:

TITLE: CHARTER AMENDMENT TO PROVIDE THAT EVERY CITY COUNCIL RESOLUTION BE INDEXED AND PUBLISHED.

SUMMARY: This Amendment provides that Council resolutions, in addition to ordinances, shall be indexed and published for review by the public.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1361 of which number

For received 1225 votes
Against received 136 votes

City Charter Amendment 3:

TITLE: CHARTER AMENDMENT TO PROVIDE FOR CITIZEN INPUT ON SPENDING

SUMMARY: This Amendment requires at least one public meeting prior to June 1st of each year to allow citizens to give input on City spending priorities in the next City fiscal year.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1360 of which number

For received 1275 votes
Against received 85 votes

City Charter Amendment 4:

TITLE: CHARTER AMENDMENT CLARIFYING COUNCIL'S ADMINISTRATIVE DUTIES; SWEARING IN, VACANCIES, APPOINTMENTS, ELECTION CERTIFICATION, AND AUDIT PROCESS.

SUMMARY: This Amendment establishes that newly elected Council members shall be sworn in at the first meeting in November, that notice of a Council vacancy shall be filled in 45 days; provides for the same Council voting process for appointment of Charter officers; clarifies the requirement of City Manager attendance at Council meetings; that the Canvassing Board may meet in special session; and for audit process guidelines and steps for financial review.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1353 of which number

For received 1231 votes
Against received 122 votes

City Charter Amendment 5:

TITLE: CHARTER AMENDMENT CORRECTING SELECTION PROCESS FOR VICE MAYOR.

SUMMARY: This Amendment sets the election of the Vice-Mayor by the City Council on the first Council meeting in November of each year. This Amendment corrects an ambiguity in the current Charter language.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1353 of which number

For received 1243 votes
Against received 110 votes

City Charter Amendment 6:

TITLE: CHARTER AMENDMENTS CORRECTING PROCESS FOR INITIATIVE AND REFERENDUM.

SUMMARY: This Amendment requires the names and addresses be given by committee members commencing initiative or referendum proceedings.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1351 of which number

For received 1211 votes
Against received 140votes

City Charter Amendment 7:

TITLE: CHARTER AMENDMENT LIMITING LEGISLATION OF SALARY CHANGE.

SUMMARY: This Amendment prohibits the Council from changing its members' salaries when there is less than ninety days before the next election.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1361 of which number

For received 1266 votes
Against received 95 votes

City Charter Amendment 8:

TITLE: CHARTER AMENDMENT PROVIDING FOR GENERAL & RUNOFF ELECTIONS.

SUMMARY: This Amendment provides for Council and Mayor general non-partisan elections in September of odd-numbered years; and for run-off elections in November, if needed; all pursuant to Volusia County Uniform Election Act, Chapter 95-462, as amended by Chapter 98-506.

Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1347 of which number

For received 1222 votes
Against received 125 votes

SECTION 2. That all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 5. That this Resolution shall take effect immediately upon its adoption by the City Council of the City of Orange City, Florida.

ROLL CALL VOTE AS FOLLOWS:

Jim Mahoney _____	Donald C. Sherrill _____
Donald Sandford _____	Tom Abraham _____
Tom Laputka _____	Jeff H. Allebach, Vice Mayor _____
Harley Strickland, Mayor _____	

ADOPTED THIS _____ DAY OF _____, 2009.

ATTEST:

Deborah J. Renner, CMC, City Clerk

AUTHENTICATED:

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

Volusia County

We, the undersigned, Ann McFall, Supervisor of Elections, Frank Bruno, Chair of County of Volusia, and Joie Alexander, Vice-Chair Volusia County Council, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 17th day of February A.D., 2009, and proceeded publicly to canvass the votes given for the City of Orange City mail ballot election held on the 17th day of February, A.D., 2009 as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

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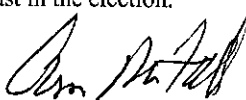
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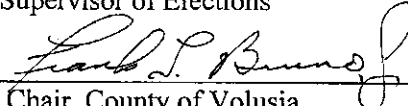
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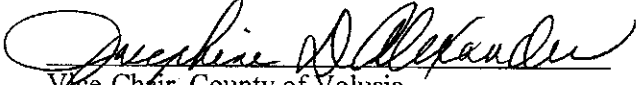
We certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



Supervisor of Elections



Chair, County of Volusia



Vice-Chair, County of Volusia