

MEMORANDUM

TO: Honorable Mayor Strickland and City Council Members

FROM: Deborah Renner, City Clerk

SUBJECT: Certifying the Results of the Referendum Election
Held on January 19, 2010

DATE: February 3, 2010

PURPOSE:

To certify the results of the Referendum Election held on January 19, 2010 in accordance with the City Charter.

BACKGROUND

Section 4.12 of the City Charter provides that the City Clerk shall certify the results of a regular or special election as provided by the Supervisor of Elections Office at the first regular or special City Council meeting following the election. A referendum election was held on January 19, 2010 by special mail ballot for the purpose of annexing the Breezewood Village Condominiums into the corporate limits of the City of Orange City.

As required by State law, the Volusia County Canvassing Board convened at 6:00 p.m. on January 19th and processed the ballots returned in the special election. The majority of votes cast in that election were in favor of the annexation.

As required by the City Charter, Resolution No. 590-10 has been prepared for the City Council to certify the results of the Referendum Election as determined and certified by the Canvassing Board.

RECOMMENDATION

It is recommended that the City Council approve Resolution No. 590-10 certifying the results of the Referendum Election held on January 19, 2010.

RESOLUTION NO. 590-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, PURSUANT TO SECTION 4.12 OF THE CITY CHARTER CANVASSING THE VOTES AND DECLARING THE RESULTS OF THE REFERENDUM ELECTION HELD BY MAIL BALLOT ON JANUARY 19, 2010; REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, A referendum election, consistent with Section 171.0413, Fla. Stat., was held by mail ballot on January 19, 2010 to annex the Breezewood Village Condominium property lying in the unincorporated area of Volusia County and contiguous to the corporate boundary of Orange City; and

WHEREAS, registered electors owning property within the Breezewood Village Condominium complex were sent a mail ballot to vote on the annexation; and

WHEREAS, the Volusia County Canvassing Board convened and canvassed the ballots returned and provided the totals of all votes cast in the referendum election.

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

SECTION 1. That the votes received on mail ballots returned regarding annexation of Breezewood Village Condominiums into the City of Orange City were as follows:

Shall the Breezewood Village Condominium property described in Ordinance No. 408 be annexed into the City of Orange City, Florida?

	TOTAL VOTES CAST	<u> </u> %
FOR Annexation	59	90.77
AGAINST Annexation	6	9.23

SECTION 2. As a majority of the registered electors voted in favor of annexation, that the Breezewood Village Condominium property as described in Ordinance No. 408, adopted December 8, 2009, is hereby annexed into the corporate limits of the City of Orange City effective January 29, 2010 as prescribed by Ordinance No. 408.

SECTION 3. That all Resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 4. This Resolution shall become effective immediately upon its adoption.

ROLL CALL VOTE AS FOLLOWS:

Gary A. Blair	_____	Jeff H. Allebach	_____
Bill Crippen	_____	Tom Abraham	_____
Anthony Pupello	_____	Tom Laputka, Vice Mayor	_____
Harley Strickland, Mayor	_____		

ADOPTED THIS _____ DAY OF _____, 2010.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney

****Official****

CERTIFICATE OF COUNTY CANVASSING BOARD

STATE OF FLORIDA

Volusia County of Volusia

We, the undersigned, David Beck, County Judge, Frank Bruno, Chair of the County of Volusia, and Ann McFall, Supervisor of Elections, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the 19th day of January, A.D., 2010, and proceeded to publicly canvass the votes given for the City of Orange City Special Referendum mail ballot election held on the 19th day of January, A.D., 2010 as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

TITLE: BREEZEWOOD VILLAGE CONDOMINIUM ANNEXATION

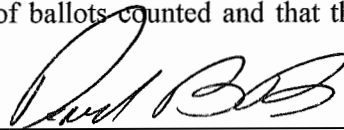
SUMMARY: Shall the Breezewood Village Condominium property described in Ordinance No. 408 be annexed into the City of Orange City, Florida?

The whole number of votes cast was 65 of which number

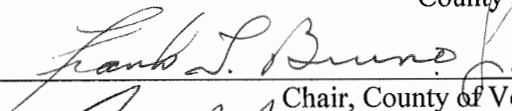
For received 59 votes

Against received 6 votes

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.



County Judge



Chair, County of Volusia



Supervisor of Elections

Election Summary Report
City of Orange City
Special Referendum Election
January 19, 2010

Date:01/19/10
Time:19:04:50
Page:1 of 1

Summary For Jurisdiction Wide, All Counters, All Races
Official Results

Registered Voters 106 - Cards Cast 65 61.32%

Referendum	Total	
Times Counted	65/106	61.3 %
Total Votes	65	
Times Blank Voted	0	
Times Over Voted	0	
Number Of Under Votes	0	
FOR	59	90.77%
AGAINST	6	9.23%

Statement of Votes Cast
 City of Orange City
 Special Referendum Election
 January 19, 2010

Date:01/19/10
 Time:19:06:48
 Page:1 of 2

SOVC For Jurisdiction Wide, All Counters, All Races
 Official Results

	TURN OUT		
	Reg. Voters	Cards Cast	% Turnout
Jurisdiction Wide			
302	106	65	61.32%
Total	106	65	61.32%

Statement of Votes Cast
 City of Orange City
 Special Referendum Election
 January 19, 2010

Date:01/19/10
 Time:19:06:48
 Page:2 of 2

SOVC For Jurisdiction Wide, All Counters, All Races
 Official Results

Referendum										
	Reg. Voters	Times Counted	Total Votes	Times Blank Voted	Times Over Voted	Number Of Under Votes	FOR		AGAINST	
Jurisdiction Wide										
302	106	65	65	0	0	0	59	90.77%	6	9.23%
Total	106	65	65	0	0	0	59	90.77%	6	9.23%

Voting System Post Election Audit Report

County: Volusia

Date of Election: 01-19-10

Precinct Number(s): 302b

Race: Referendum-Breezewood Annexation

1. Overall accuracy of the audit:

100%

2. Description of any problems or discrepancies encountered:

NONE

3. Likely cause of such problems or discrepancies:

N/A

4. Recommended corrective action with respect to avoiding or mitigating such circumstances in future elections:

N/A

I hereby certify that the report of the voting system audit performed for the 1/19/2010 election is accurate and that attached are precinct summary reports for each precinct audited.

Signatures of County Canvassing Board members conducting the audit:

DAVID BECK
Printed Name

[Signature]
Signature

1/19/10
Date

FRANK BRUNO
Printed Name

[Signature]
Signature

1/19/10
Date

ANN McFALL
Printed Name

[Signature]
Signature

1-19-10
Date

CONDUCT OF ELECTION REPORT

[Section 102.141(8)(a) and (b), Florida Statutes]

City: Orange City, FL

Election:

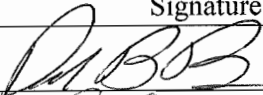
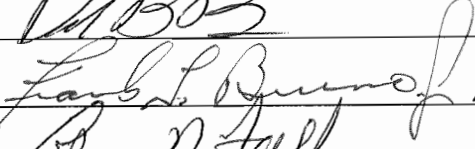
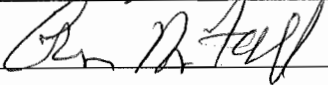
1-19-2010 Breezewood Condominium Annexation

§102.141(8)(a), F.S.,

At the same time that the official results of an election are certified to the Department of State, the municipal canvassing board shall file a report with the Division of Elections on the conduct of the election. The report must describe:

1. Did you have any problems which occurred as a result of equipment or software malfunctions at the precinct level, at a counting location, or within computer and telecommunications networks supporting a county location?
Yes No
(If yes, please attach an explanation to this report of the steps that were taken to address the malfunctions.)
2. Did you have any election definition errors that were discovered after the logic and accuracy test?
Yes No
(If yes, please attach an explanation to this report of the steps that were taken to address the errors.)
3. Did you have any ballot printing errors or ballot supply problems?
Yes No
(If yes, please attach an explanation to this report of the steps that were taken to address the errors or problems.)
4. Did you have any staffing shortages or procedural violations by employees or precinct workers which were addressed by the supervisor of elections or the county canvassing board during the conduct of the election?
Yes No
(If yes, please attach an explanation to this report of the steps that were taken to address the issue.)
5. Did you have any instances where needs for staffing or equipment were insufficient to meet the needs of the voters?
Yes No
(If yes, please attach an explanation to this report.)
6. Do you have any additional information regarding material issues or problems associated with the conduct of election?
Yes No
(If yes, please attach an explanation to this report.)

Volusia County Canvassing Board

Signature	Title	Date
	County Judge	1-19-2010
	County Chair	1-19-2010
	Supervisor of Elections	1-19-2010

NOTE: This conduct of election report must be filed at the same time that the returns for the election are certified to the Division of Elections. (No later than 5 p.m. on the 7th day following the primary election or by 5 p.m. on the 11th day following the general election, section 102.112(2), F.S.)