

MEMORANDUM

TO: Mayor & Council Members
FROM: Debbie Renner, City Clerk *dr*
DATE: November 18, 2008
SUBJECT: Resolution No. 516-08

PURPOSE

To adopt Resolution No. 516-08 certifying the form of ballot for the referendum election to be held by mail ballot on February 17, 2009.

BACKGROUND

On October 28, 2008, the City Council adopted Ordinance No. 360 calling for a referendum election for the voters of Orange City to consider proposed changes to the City Charter.

The City Charter Section 4.05, Notice of Election, requires that the City adopt a resolution certifying the form of ballot for all City elections. A copy of the adopted resolution will be provided to the Supervisor of Elections so that an order can be placed for ballots for the election. Resolution No. 516-08 was prepared to comply with that charter requirement.

RECOMMENDATION

Adoption of Resolution No. 516-08 is necessary to order ballots for the February 17, 2009 referendum election.

RESOLUTION NO. 516-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, PURSUANT TO SECTIONS 4.04 AND 4.05 OF THE CITY CHARTER CERTIFYING THE FORM OF BALLOT FOR THE REFERENDUM ELECTION TO BE HELD ON FEBRUARY 17, 2008, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a referendum election to propose amendments to the City Charter was called for in Ordinance No. 360; and

WHEREAS, Sections 4.04 and 4.05 of the Charter of the City of Orange City, require that the City Council shall certify the form of ballot to the Supervisor of Elections.

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

SECTION 1. Referendum Election. The City Council of the City of Orange City, pursuant to Sections 166.031 Florida Statutes, hereby proposes and approves amendments to the Charter of the City of Orange City, which proposed amendments are set forth below. Each question shall be voted on separately and approved or disapproved based on its own merit. Such election shall be held in conformity with the laws of the State of Florida. The Supervisor of Elections of Volusia County is hereby requested to coordinate all matters of said mail-in ballot election with the City Clerk.

SECTION 2. That there shall appear on the ballot the following questions related to proposed amendments to the City Charter:

City Charter Amendment 1:

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

SUMMARY: The Council has proposed amending Article II, Sections 2.01, 2.09, and 2.12 to provide for the election of five Council members from districts in which each resides and for the election of a Council member at large. This amendment further provides for amendment to Article IV, Sections 4.01, 4.02, 4.06, and 4.07 to 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, according to general law.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 2:

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

SUMMARY: The Council has proposed amending Article V, Section 5.05, to provide 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?

For _____

Against _____

City Charter Amendment 3:

TITLE: CHARTER AMENDMENT TO PROVIDE FOR CITIZEN INPUT ON SPENDING.

SUMMARY: The Council has proposed amending Article VII, Section 7.01, to require at least one public meeting prior to June 15th 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?

For _____

Against _____

City Charter Amendment 4:

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

SUMMARY: The Council has proposed amending Article II, Sections 2.04 and 2.11, Article III, Section 3.01, Article IV, Section 4.12, and Article V, Section 5.07, clarifying the timing of swearing in, the process of filling of Council vacancies, the process for selection and removal of Charter officers, election certification, and the method of independent annual audit of City accounts.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 5:

TITLE: CHARTER AMENDMENT CORRECTING SELECTION PROCESS OF VICE MAYOR.

SUMMARY: The Council has proposed amending Article II, Section 2.03 to set the selection of the Vice Mayor by the City Council at the first Council meeting in November, annually, to correct an ambiguity in the current Charter language.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 6:

TITLE: CHARTER AMENDMENTS CORRECTING PROCESS FOR INITIATIVE AND REFERENDUM.

SUMMARY: The Council has proposed amending Article VIII, Sections 8.02 and 8.04, requiring the names and addresses be given by committee members commencing initiative or referendum proceedings.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 7:

TITLE: CHARTER AMENDMENT LIMITING LEGISLATION OF SALARY CHANGE.

SUMMARY: The Council has proposed amending Article II, Section 2.05, prohibiting the Council from changing its members' salaries when there is less than ninety (90) days before the next election.

Shall the above-described Charter Amendment be adopted?

For _____

Against _____

City Charter Amendment 8:

TITLE: PROVIDING FOR GENERAL & RUNOFF ELECTIONS.

SUMMARY: The Council has proposed amending Article IV, Section 4.03, providing for Council and Mayor general non-partisan elections in odd-numbered years; and for run-off elections in November; 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?

For _____

Against _____

SECTION 3. That the City Clerk shall send a copy of this Resolution to the Supervisor of Elections, Volusia County, Florida, as certification of the form of the ballot for the election set forth herein.

SECTION 4. That all Resolutions or parts of resolutions in conflict herewith be and the same are hereby repealed.

SECTION 5. This Resolution shall become effective immediately upon its adoption.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2008.

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

ADOPTED THIS _____ DAY OF _____, 2008.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

Approved as to form and legal sufficiency:

W. E. Reischmann, City Attorney