

MEMORANDUM

TO: Mayor & Council Members
FROM: Debbie Renner
DATE: January 13, 2009
SUBJECT: Resolution No. 520-09

PURPOSE

The purpose of Resolution No. 520-09 is to correct several typographical errors in previously adopted Resolution No's. 515-08 and 516-08.

BACKGROUND

Resolution No.'s 515-08 and 516-08 were adopted December 9, 2008. These resolutions were required in order to proceed with the referendum election to be held by mail ballot on February 17, 2009 to consider revisions to the City Charter. Subsequent to the adoption of these resolutions, several typographical errors were noted. Resolution No. 520-09 corrects these scrivener's errors.

RECOMMENDATION

It is recommended that Resolution No. 520-09 be adopted.

RESOLUTION NO. 520-09

A RESOLUTION OF THE CITY OF ORANGE CITY, FLORIDA, CORRECTING SCRIVENERS ERRORS CONTAINED WITHIN PRIOR CITY OF ORANGE CITY RESOLUTION NOS. 515-08 AND 516-08; SAID PRIOR RESOLUTIONS PERTAINING TO THE REFERENDUM TO BE HELD ON FEBRUARY 17, 2009 BY A MAIL BALLOT FOR THE PURPOSE OF PROPOSING AMENDMENTS TO THE CITY CHARTER; REPEALING ALL RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Orange City on December 9, 2008 did approve and enact Resolution Nos. 515-08 and 516-08; and

WHEREAS, said Resolution No. 515-08 provided notice to the Volusia County Supervisor of Elections of Orange City's intent to hold a referendum election by mail ballot on February 17, 2009, for the purpose of proposing amendments to the City's Charter; and

WHEREAS, Resolution No. 516-08, pursuant to Sections 4.04 and 4.05 of the City Charter, certified the form of that ballot for the aforementioned Referendum Election; and

WHEREAS, a scrivener's error in Resolution No. 515-08 indicates that the Referendum Election is to be held on February 17, 2008; and

WHEREAS, said Referendum Election is to be held on February 17, 2009; and

WHEREAS, Resolution No. 516-08, in its title, incorrectly references the date of the anticipated date of the Referendum Election to be in 2008, rather than 2009; and further incorrectly identifies the title to the proposed City Charter Amendment 4.

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

SECTION 1. Resolution No. 515-08, Section 2, is hereby corrected to read as follows:

"SECTION 2. Said Charter amendments will be presented to the qualified electors of the City on a mail ballot in a

referendum election with said ballots to be returned to the Volusia County Supervisor of Elections by February 17, 2009.”

SECTION 2. The title of Resolution No. 516-08 is hereby amended and corrected to read as follows:

“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, 2009, REPEALING ALL RESOLUTIONS IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

SECTION 3. Resolution No. 516-08 is amended and corrected to properly identify the proposed title for City Charter Amendment 4 to read as follows:

City Charter Amendment 4:

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

SECTION 4. That all resolutions or parts of resolutions in conflict herewith be and the same 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 (Resolution No. 520-09):

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

ADOPTED THIS _____ DAY OF _____, 2009.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Harley Strickland, Mayor

This Resolution approved
as to form and legal sufficiency:

William Reischmann, City Attorney