

**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 1<sup>st</sup> 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:**

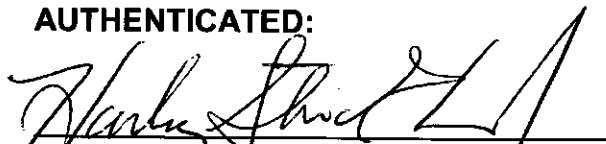
Jim Mahoney	<u>yes</u>	Donald C. Sherrill	<u>yes</u>
Donald Sandford	<u>Absent</u>	Tom Abraham	<u>yes</u>
Tom Laputka	<u>yes</u>	Jeff H. Allebach, Vice Mayor	<u>yes</u>
Harley Strickland, Mayor	<u>yes</u>		

ADOPTED THIS 24<sup>th</sup> DAY OF February, 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:

**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 1<sup>st</sup> 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 OF 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 140 votes

**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 (90) 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.

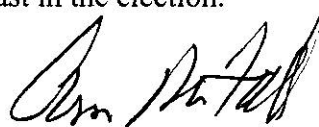
Shall the above-described Charter Amendment be adopted?

The whole number of votes cast was 1347 of which number

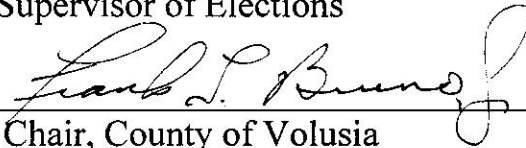
For received 1222 votes

Against received 125 votes

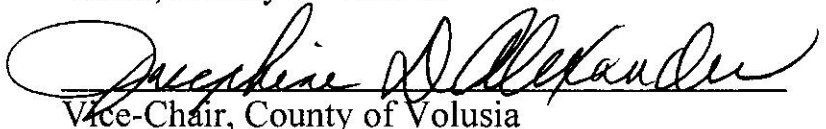
We certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.



Supervisor of Elections



Chair, County of Volusia



Vice-Chair, County of Volusia

# MAIL BALLOT REPORT

ELECTION NAME/DATE: City of Orange City Special Referendum Mail Ballot Election 02-17-09

REPORT DATE: 2/17/2009 TIME: 8:00 AM

	MAILED	RETURNED	REFERRED	REJECTED	ACCEPTED
Balance Brought Forward	0				
Number of Ballots Mailed:	6174				
Number of Ballots Returned:		1263			
					1238

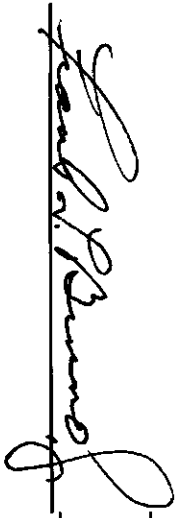
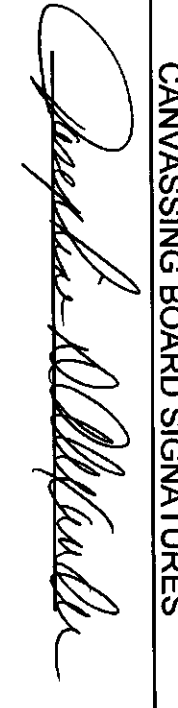
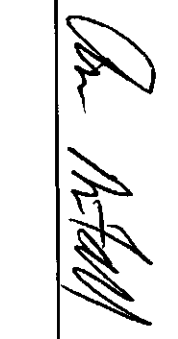
Of ballots returned, number found to meet requirements per F. S. 101.6103: \_\_\_\_\_

Of ballots returned, # needing Canvassing Board Review to determine acceptance: \_\_\_\_\_

CODE REASON					
A No/Incomplete Res. Address			6		6
E Empty Envelope or Ballot Not Returned in Mailing Envelope			1	1	
L Returned too Late to Count					
M Multiple Ballots/1 Envelope/1 Signature					
N No Voter Signature			14	14	
S Voter's Signature Different			4	3	1
X MARG Voter - no ID					
Y Third Party Signature					
<b>TOTALS</b>	<u>6174</u>	<u>1263</u>	<u>25</u>	<u>18</u>	<u>1245</u>

Note to File: Total # of Ballots returned as undeliverable: 658

CANVASSING BOARD SIGNATURES

# MAIL BALLOT REPORT

ELECTION NAME/DATE: City of Orange City Special Referendum Mail Ballot Election 02-17-09

REPORT DATE: 2/17/2009      TIME: 8:00 AM

	MAILED	RETURNED	REFERRED	REJECTED	ACCEPTED
Balance Brought Forward	0				
Number of Ballots Mailed:	6174				
Number of Ballots Returned:		1263			
Of ballots returned, number found to meet requirements per F.S. 101.6103:					1238
Of ballots returned, # needing Canvassing Board Review to determine acceptance:					25

**CODE REASON**

A	No/Incomplete Res. Address	6			
E	Empty Envelope or Ballot Not Returned in Mailing Envelope	1		1	
L	Returned too Late to Count				
M	Multiple Ballots/1 Envelope/1 Signature			14	
N	No Voter Signature			4	
S	Voter's Signature Different				
X	MARG Voter - no ID				
Y	Third Party Signature				

TOTALS	6174	1263	25	0	1238
--------	------	------	----	---	------

Note to File: Total # of Ballots returned as undeliverable: 658

**CANVASSING BOARD SIGNATURES**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

# MAIL BALLOT REPORT

ELECTION NAME/DATE: City of Orange City Special Referendum Mail Ballot Election 02-17-09

REPORT DATE: 2/17/2009

TIME: 3:00 PM

	MAILED	RETURNED	REFERRED	REJECTED	ACCEPTED
Balance Brought Forward	6174	1263		18	1245
Number of Ballots Mailed:	0				
Number of Ballots Returned:		84			

Of ballots returned, number found to meet requirements per F.S. 101.6103: 83

Of ballots returned, # needing Canvassing Board Review to determine acceptance:

CODE	REASON				
A	No/Incomplete Address				
E	Empty Envelope or Ballot Not Returned in Mailing Envelope				
L	Returned too Late to Count				
M	Multiple Ballots/1 Envelope/1 Signature				
N	No Voter Signature				
S	Voter's Signature Different				
X	MARG Voter - no ID				
Y	Third Party Signature				
TOTALS		6174	1347	1	19
		661			1328

Note to File: Total # of Ballots returned as undeliverable: 661

CANVASSING BOARD SIGNATURES

 \_\_\_\_\_

 \_\_\_\_\_

# MAIL BALLOT REPORT

ELECTION NAME/DATE: City of Orange City Special Referendum Mail Ballot Election 02-17-09

REPORT DATE: 2/17/2009      TIME: 6:00 PM

	MAILED	RETURNED	REFERRED	REJECTED	ACCEPTED
Balance Brought Forward	6174	1347		19	1328
Number of Ballots Mailed:					
Number of Ballots Returned:		12			12

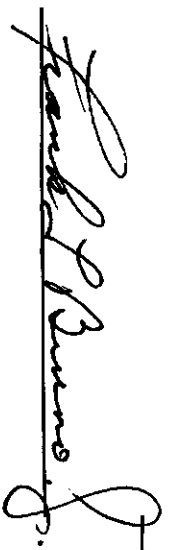
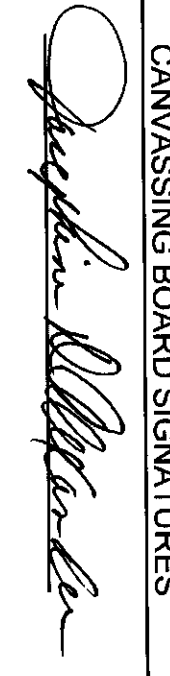

Of ballots returned, number found to meet requirements per F. S. 101.6103: \_\_\_\_\_

Of ballots returned, # needing Canvassing Board Review to determine acceptance: \_\_\_\_\_

CODE REASON					
A No/Incomplete Address					
E Empty Envelope or Ballot Not Returned in Mailing Envelope					
L Returned too Late to Count					
M Multiple Ballots/1 Envelope/1 Signature					
N No Voter Signature					
S Voter's Signature Different					
X MARG Voter -- no ID					
Y Third Party Signature					
<b>TOTALS</b>	<u>6174</u>	<u>1359</u>	<u>0</u>	<u>19</u>	<u>1340</u>

Note to File: Total # of Ballots returned as undeliverable: 661

CANVASSING BOARD SIGNATURES

# MAIL BALLOT REPORT

ELECTION NAME/DATE: City of Orange City Special Referendum Mail Ballot Election 02-17-09

REPORT DATE: 2/17/2009      TIME: 7:00 PM

	MAILED	RETURNED	REFERRED	REJECTED	ACCEPTED
Balance Brought Forward	6174	1359		19	1340
Number of Ballots Mailed:	0				
Number of Ballots Returned:		31			
Of ballots returned, number found to meet requirements per F.S. 101.6103:					31
Of ballots returned, # needing Canvassing Board Review to determine acceptance:					

CODE REASON					
A No/Incomplete Address					
E Empty Envelope or Ballot Not Returned in Mailing Envelope					
L Returned too Late to Count					
M Multiple Ballots/1 Envelope/1 Signature					
N No Voter Signature					
S Voter's Signature Different					
X MARG Voter - no ID					
Y Third Party Signature					
<b>TOTALS</b>	6174	1390	0	19	1371

Note to File: Total # of Ballots returned as undeliverable: 661

CANVASSING BOARD SIGNATURES

