

## MEMORANDUM

**TO:** Mayor and Council Members

**FROM:** Debbie Renner, City Clerk & Bill Reischmann, City Attorney

**DATE:** July 2, 2008

**SUBJECT:** Charter Referendum Ordinance

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### PURPOSE

To transmit the draft ordinance for a charter referendum to the City Council for review prior to first reading.

### BACKGROUND

In late February, you convened a Committee to conduct a review of the City's charter for possible areas in need of revision. The Charter Review Committee (CRC) met regularly throughout the months of March, April and May and submitted their recommendations to the City Council in June. You held a number of workshops in June and early July to review the recommendations of the CRC. Your review was completed on July 7<sup>th</sup> and you directed the City Attorney and City Clerk to draft an ordinance calling for a referendum election on November 4, 2008 and providing for ballot language for the voters to act on the changes you proposed to the city charter.

In response to your direction, Ordinance No. 360 is provided for your review. At the July 7<sup>th</sup> Special Council Meeting, you expressed your intention that the referendum be held on the November 4<sup>th</sup> Presidential Ballot. After discussions with Ann McFall, Volusia County Supervisor of Elections, she has agreed that the ballot language for the cities having referendums on the November ballot can be submitted following first reading in draft format as long as it is done by August 26<sup>th</sup>. This relieves some of the previous deadline pressure to have the ordinance adopted by August 12<sup>th</sup>.

Based on this understanding, the ordinance is being presented to you for your review, discussion and direction in draft format at this July 22<sup>nd</sup> meeting. The City Attorney and City Clerk can then make any changes that you request and present the final ordinance for first reading on August 12<sup>th</sup>. If it is still your desire to proceed with the November election, the ballot language will be submitted to Ms. McFall after first reading.

Ms. McFall has indicated that the ballot for the November election is full, so the City's referendum will be listed on a second page. For your information, I have attached a list of the offices that will be on the November ballot. Please remember, this list does not include any constitutional amendments (of which I heard there will be five) which may also be on the ballot.

We await your direction as to how to proceed.

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# Volusia County Department of Elections

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## 2008 Elections Schedule

(Updated June 16, 2008)

The following offices are up for election:

- President and Vice-President
- Representative in Congress: Districts 3, 7 and 24
- State Attorney: Judicial Circuit 7
- Public Defender: Judicial Circuit 7
- State Senator: Districts 1 and 7
- State Representative: Districts 21, 25, 26, 27, 28 and 33
- Supreme Court: Retention of One Justice
- Fifth District Court of Appeal: Retention of Six Judges
- Circuit Judge, Seventh Judicial Circuit: Groups 1, 2, 6, 7, 9, 11, 14, 17, 18, 20, 22, 24, 25 and 26
- Clerk of the Circuit Court
- Sheriff
- Property Appraiser
- Supervisor of Elections
- County Court Judge: Groups 7 and 10
- School Board: Districts 2 and 4
- County Council: Districts 2 and 4
- County Council Chair
- Indigo Community Development District: Seats 2 and 4
- Volusia Soil and Water Conservation District: Groups 1, 2 and 4
- West Volusia Hospital Authority: Group A Seats 1, 2 and 3

## 2008 Election Dates

### Presidential Preference Primary:

January 29, 2008

### Book closing deadline:

December 31, 2007

### \*Early Voting dates:

January 14-26, 2008

### Primary Election

August 26, 2008

### Book closing deadline:

July 28, 2008

### \*Early Voting dates:

August 11-23, 2008

### General Election

November 4, 2008

### Book Closing deadline:

October 6, 2008

### \*Early Voting dates:

October 20-November 1, 2008

## Early voting hours and locations:

### Daytona Beach area

Volusia County Library Center at City Island  
105 E. Magnolia Avenue

### Deltona area

Deltona City Hall  
2345 Providence Blvd.

### DeLand area

Supervisor of Elections Office  
125 W. New York Avenue

### New Smyrna Beach area

New Smyrna Beach Regional Library  
1001 S. Dixie Freeway

### Ormond Beach area

**ORDINANCE NO. 360**

**AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, SUBMITTING TO THE ELECTORS OF ORANGE CITY PROPOSED AMENDMENTS TO THE CHARTER OF THE CITY OF ORANGE CITY AT A SPECIAL CITY ELECTION TO BE HELD NOVEMBER 4, 2008; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED CHARTER AMENDMENTS; PROVIDING FOR THE CALL OF A REFERENDUM ELECTION; PROVIDING FOR DIRECTION TO THE CITY CLERK; PROVIDING FOR CONFLICTS, SEVERABILITY; PROVIDING FOR EFFECTIVE DATE FOR APPROVED AMENDMENTS; PROVIDING CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE FOR THE ORDINANCE.**

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**WHEREAS**, pursuant to Resolution 468-08, the City Council of Orange City established a comprehensive public review process of the existing City Charter; and

**WHEREAS**, the Charter review process was also designed to provide an open, objective, and deliberative process during which ample opportunity was provided for the public to participate in a comprehensive study of any and all phases of City government; and

**WHEREAS**, the City Council convened this comprehensive study of the City Charter to avoid piecemeal changes to the City's organic law, an option which the City Council found as essential to the proper and orderly function of government; and

**WHEREAS**, as part of the review process, the City Council appointed a Charter Review Advisory Committee consisting of seven City of Orange City residents or property owners: Paul Rasch, Chairman, Gary Blair, John Crowther, Evelyn Robinson, Bill DeVane, Hugh Strickland and Joelle DeVane; and

**WHEREAS**, the Charter Review Advisory Committee was assigned the task of making a recommendation to the City Council as to whether the existing City Charter should be revised; and

**WHEREAS**, after conducting numerous public meetings, at which the pros and cons of the existing City Charter were debated and various Charter amendment proposals from citizens, committee members, and advisors were considered, the Charter Review Advisory Committee recommended a revised City Charter to the City Council; and

**WHEREAS**, the City Council then conducted numerous public meetings, at which the City Council considered the input, recommendations, and advice of the Charter Review Advisory Committee, and the citizens of Orange City and considered the pros and cons of the existing City Charter; and

**WHEREAS**, as a result of the input, recommendations, and advice received during the Charter Review Process and after careful deliberation and consideration, the City Council finds that it is in the best interests of the public health, safety, and welfare of the citizens of Orange City to propose a comprehensive revision of the Orange City City Charter in accordance with Article IX, Section 9.02 of the Orange City City Charter and Section 166.031, Florida Statutes; and

**WHEREAS**, the City Council finds that the proposed referendum ballot questions should be submitted to the City electorate for its consideration and final approval or disapproval; and

**WHEREAS**, the City Council of the City of Orange City desires to put to a vote of the citizens the issue of whether the Charter should be changed according to recommendations made by the Charter Review Advisory Committee, and as adopted or amended by the City Council; and

**WHEREAS**, Section 166.031, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality proposed amendments to its Charter, which amendments may be to any part or all of its Charter except that part describing the boundaries of such municipality; and

**WHEREAS**, Article IX, Section 9.02 of the City Charter provides that amendments to the Charter may be submitted to the electors by a majority vote of the Council members, and if the proposed amendments are approved by a majority of the electors, the amendments shall become law; and

**WHEREAS**, the City Council finds it to be in the best interests of its citizens to submit said proposed Charter amendments to the voters at a November 4, 2008, election.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF ORANGE CITY, FLORIDA, AS FOLLOWS:**

**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 and the complete text thereof, as amended, are set forth below. The text of the amendments reflect the proposed changes by showing additions with underlining and deletions with ~~strike-through~~ type. 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 referendum election with the City Clerk. The proposed Charter amendments shall be submitted to the voters at an election to be held on November 4, 2008.

**SECTION 2. Amendments to City Charter.** The ballot titles, questions and proposed Charter changes are set forth as follows:

**City Charter Amendment 1:**

TITLE:

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

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE II. CITY COUNCIL.**

**Section 2.01. CITY COUNCIL: POWERS AND COMPOSITION**

There shall be a City Council with all legislative powers of the City vested therein consisting of the Mayor and six (6) members, ~~all of whom shall be elected from the City at large.~~ The Council shall be composed of one member elected by voters of the City at large and one member from each of five districts elected by the voters of those districts as provided in Article IV. The Mayor shall be elected by the voters of the City at large.

**Section 2.09. QUALIFICATIONS, DISQUALIFICATIONS AND FORFEITURE OF OFFICE**

- (a) Each member of the City Council shall be a registered elector of the City and shall have resided in the City for at least one year prior to the date on which he qualified to run for the office of Mayor or Council Member. Additionally, Council Members from each of the five districts shall reside in each of their respective districts. Any member of the Council who shall cease to have and possess the qualifications herein imposed for members of the City Council or who shall, while in office, be convicted of a felony, shall forfeit his office and his seat shall immediately become vacant. Absence by a member from four consecutive regular meetings of the City Council shall cause the seat to become vacant unless such absence is excused by the City Council.

**Section 2.12. EXTRAORDINARY VACANCIES**

In the event that all members of the Council are removed by death, disability, law or forfeiture of office, the Governor shall appoint an interim Council without regard to districts.

## ARTICLE IV. NOMINATIONS AND ELECTIONS.

### Section 4.01. COUNCIL SEAT DESIGNATIONS

City Council seats are hereby designated as ~~Seats No. Districts~~ Number 1, 2, 3, 4, 5, and 6 and ~~all seats shall serve at large Council seat.~~ Council Districts 1, 2, 3, 4, and 5 shall serve from each district respectively and the at large member shall serve at large. Each candidate for the office of Council Member shall declare at the time of qualification the seat to which such candidate seeks election.

### Section 4.02. ELECTION AND TERMS

(a) The Mayor and all Council seats Members shall be elected for a four-year term. Elections shall be held in odd numbered years only. The Mayor and Council members designated as ~~Seats Districts~~ 1, 2, and 3 shall be elected in one group; and Council members designated as Districts Seats ~~4, 5, and 6~~ at large shall be elected in the next group. ~~The Mayor and Council Members designated as Seats 1, 2, and 3, elected in 2004, shall have their terms extended until the election in 2007. Full four year terms will start with the 2005 election of Seats 4, 5, and 6 thereafter. In the 2009 election Council Members from Districts 4, 5 and the at large Member shall be elected. The Mayor and Council Members from Districts 1, 2, and 3, elected in 2011.~~

Upon the adoption of this Charter, Council seats 1, 2, 3, 4, 5 and 6 of the previous Charter shall become the Council Members for Districts 1, 2, 3, 4, 5, and at large Council Member, respectively, until the aforementioned elections of 2009 and 2011. During this transitional period no district residency requirement shall apply for Council serving at the time this charter is adopted. For qualifying in beginning with the 2009 election, residency and all other requirements shall apply to District 4, 5, and at large Council Member. For qualifying in with the 2011 election, residency and all other requirements shall apply to District 1, 2, and 3.

(b) The City of Orange City shall be divided into five Council Districts by an ordinance of the City. This ordinance shall comply with the general laws governing district boundaries. Following each decennial census, the City Council shall by ordinance adjust the boundaries of the City Council districts according to general law. In addition, the City Council may, at its discretion, adjust the districts provided that any such adjustment will not take place less than one year before an election. The Council may appoint a special commission to develop district boundaries, use consulting firms specializing in the process and/or use such other public governmental resources as are available to develop a plan for districts and to adjust the district boundaries when required.

### Section 4.06. QUALIFIED VOTERS

Any elector shown on the voter registration books to be a resident of the City of Orange

City, Florida, shall be qualified to vote in ~~any a~~ municipal election. Electors may vote for the at large Council Member, the Mayor and for the District Council Member representing the district where the elector resides.

**Section 4.07. NOMINATIONS BY PETITION**

Candidates for the office of Mayor or Council Member shall qualify for such office by filing a written petition with the Clerk in the following manner:

A prospective candidate shall file with the Clerk a notarized statement of intention to be a candidate for a specified Council seat or the office of Mayor, whereupon the Clerk, without charge, shall provide forms for nomination by a petition to be signed by a minimum of twenty-five qualified electors of the city. Qualified electors signing the petition for the district council seats must reside in that district. Only petitions on official forms provided by the Clerk for a specific office shall be accepted for validation, and such forms shall include spaces for the printed name, signature, ~~and~~ address, and birthdate or voter registration number of each elector and a sworn affidavit executed by the circulator of each page of the petition stating that each signature on it was affixed in his presence and that he believes each signature to be the genuine signature of the person whose name it purports to be. The signature shall be executed in ink or indelible pencil.

**City Charter Amendment 2:**

TITLE:

**CHARTER AMENDMENT TO PROVIDE THAT EVERY CITY COUNCIL RESOLUTION BE RECORDED AND AVAILABLE.**

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE V. LEGISLATIVE POWERS.**

**Section 5.05. RECORDING OR POSTING OF ORDINANCES AND RESOLUTIONS AFTER FINAL PASSAGE**

Every Ordinance and resolution shall, upon its final adoption, be recorded ~~in a book kept for that purpose~~ by the City Clerk, and shall be authenticated by the signatures of the Mayor and the City Clerk. Every Ordinance and resolution shall, upon its final disposition, be ~~posted in City Hall~~ available at the City Clerk's office and the city's internet site if operational. ~~and the Orange City Post Office for a period of ten calendar days.~~

**City Charter Amendment 3:**

**TITLE:**

**CHARTER AMENDMENT TO PROVIDE FOR CITIZEN INPUT ON SPENDING.**

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE VII. BUDGET**

**Section 7.01. PREPARATION AND SUBMISSION OF BUDGET**

Prior to June 1<sup>st</sup> of each year, the Council and City Manager shall conduct a minimum of one public meeting to collect information as to what the citizens of Orange City suggest as a priority for spending in the next fiscal year. No later than August 1<sup>st</sup> of each year, unless otherwise approved by Council, the City Manager shall submit to the Council a budget and a separate budget message in the form and with the contents prescribed by this Article, in accordance with general law.

**City Charter Amendment 4:**

**TITLE:**

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

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE II. CITY COUNCIL.**

**Section 2.04. OATH OF OFFICE**

The swearing-in of the newly elected Council members shall be on the day of the first regular or special meeting of the Council ~~following the election~~ in November and shall be the first order of business.

## **Section 2.11. FILLING OF VACANCIES**

- (a) A vacancy on the Council shall be filled within ~~30~~ 45 days by a majority vote of the Council members remaining. Notice shall be given of a vacancy requesting applicants for consideration. The interim Council Member's term shall run until the next regular City election.

## **ARTICLE III. APPOINTED OFFICERS, BOARDS AND COMMITTEES.**

### **Section 3.01 COUNCIL APPOINTMENTS**

The City Council shall appoint, the following Officers, Boards & Committees:

- A. A City Clerk, appointed by and removed by the City Council by a motion requiring four affirmative votes, who shall give notice of meetings of the City Council, shall record, transcribe and keep the Minutes of its proceedings, and shall authenticate by signature and record in full in books kept for that purpose, all ordinances and resolutions passed by the Council. The City Clerk shall have the power to administer oaths.

The City Clerk is directly responsible to the City Council as the representative of the legislative branch of government, and may perform supplementary duties as assigned by Ordinance or Resolution of the City Council. ~~The City Council may remove the City Clerk by motion requiring four (4) affirmative votes.~~

- B. A City Manager, appointed by and removed by the City Council by a motion requiring four affirmative votes, ~~appointed by a majority vote of the entire membership of the City Council~~, who possesses demonstrated knowledge, experience and leadership qualities commensurate with the office. The City Manager need not be a resident of the City at the time of appointment, and may reside outside the City while in office only with the approval of the Council.

The City Manager, as Chief Administrative Officer responsible to the City Council, shall:

- (d) ~~Attend all City Council meetings. The City Manager shall and~~ have the right to take part in discussion but shall not vote. The City Manager shall notify the Council of any absences.
- C. A City Attorney, appointed by and removed by the City Council by a motion requiring four affirmative votes, ~~appointed by Resolution by a majority vote of the entire membership of the City Council~~, who shall act as the legal advisor to the municipality and its officers in matters relating to their official duties. When required to do so by resolution of the Council, he shall prosecute and defend, for and in behalf of the City, all civil complaints, suits and controversies in which the City is a party. He shall furnish the City Council, the Mayor, or the head of any

department with his opinion on any question of law relating to their respective powers and duties. He shall perform such other professional duties as may be required of him by Council.

The City Attorney shall be a lawyer with experience in municipal law and shall be authorized to practice law in all courts of the state. His compensation shall be subject to approval by Council. ~~The City Council may remove the City Attorney by motion requiring four affirmative votes.~~

#### **ARTICLE IV. NOMINATIONS AND ELECTIONS.**

##### **Section 4.12. CANVASSING BOARD**

The members of the Council not up for re-election shall serve as the canvassing board when necessary for any special or regular election, and shall accompany the City Clerk to the Supervisor of Elections Office for the tabulation of the ballots. The Council shall certify the results of the election provided by the Supervisor of Elections Office at the first regular or special council meeting following the election.

#### **ARTICLE V. LEGISLATIVE POWERS.**

##### **Section 5.07. INDEPENDENT ANNUAL EXAMINATION OF BOOKS AND RECORDS**

~~At the beginning of each fiscal year the Council shall employ an independent certified public accountant to examine the books and records of the municipality for the preceding year, and to make a written record to the Council with respect thereto. Such report shall contain an opinion regarding both accounting and administrative controls.~~

The City Council shall provide for an independent annual audit of city accounts and may provide for more frequent audits as it deems necessary. An independent certified public accountant or firm of such accountants shall make such audits. Such audits should be performed in accordance with the Generally Accepted Auditing Standards (GAAS) and Generally Accepted Governmental Auditing Standards (GAGAS).

The Council shall:

- (1) Lead the process of selecting an independent auditor;
- (2) Direct the work of the independent auditor as to the scope of the annual audit and any matters of concern with respect to internal controls; and

The Council shall, using competitive bidding, designate such accountant or firm annually, or for a period not to exceed five years, but the designation for any particular fiscal year shall be made no later than 60 days after the beginning of such fiscal year. The standard for independence is that the auditor must be capable of exercising

objective and impartial judgment on all issues encompassed within the audit engagement. No accountant or firm may provide any other services to the City during the time it is retained to provide independent audits to the City. The City Council may waive this requirement by a majority vote at a public hearing. If the state of Florida makes an audit, the Council may accept it as satisfying the requirements of this section.

**City Charter Amendment 5:**

**TITLE:**

**CHARTER AMENDMENT CORRECTING SELECTION PROCESS OF VICE MAYOR.**

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE II. CITY COUNCIL**

**Section 2.03. VICE-MAYOR**

The Council shall elect from among its members a Vice-Mayor. Election of the Vice-Mayor shall be done annually at the first regular council meeting in November after the City election. The Vice-Mayor shall act as presiding officer during the absence or disability of the Mayor. Any Council Member may serve no more than two consecutive years as Vice Mayor.

**City Charter Amendment 6:**

**TITLE:**

**CHARTER AMENDMENTS CORRECTING PROCESS FOR INITIATIVE AND REFERENDUM.**

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE VIII. INITIATIVE AND REFERENDUM**

**Section 8.02. COMMENCEMENT OF PROCEEDINGS**

A minimum of five qualified voters may commence initiative or referendum proceedings by filing with the City Clerk an affidavit stating they will constitute the petitioners'

committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative Ordinance or citing the Ordinance sought to be reconsidered.

**Section 8.04. PROCEDURE FOR FILING**

- (a) **CERTIFICATE OF CLERK; AMENDMENT:** Within twenty calendar days after the initiative petition is filed the Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention with the council within two days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate.

Within twenty calendar days, after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petition, as amended, and promptly send a copy of such certificate to the petitioners' committee by certified mail. If a petition or amended petition is certified insufficient, or if a petitioners' committee does not elect to amend or request Council review under subsection (b) of this section within the time required, the Clerk shall promptly present the certificate to the council and the certificate shall then be a final determination as to the insufficiency of the petition.

**City Charter Amendment 7:**

**TITLE:**

**CHARTER AMENDMENT LIMITING LEGISLATION OF SALARY CHANGE.**

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE II. CITY COUNCIL.**

**Section 2.05 COMPENSATION**

The Mayor and the members of the City Council shall receive compensation as established by Ordinance; but no ordinance may be adopted changing the salary if

~~there is less than ninety days before the next election. increasing such salary shall become effective until the date of commencement of terms of the Council members elected at the next regular election, provided that such election follows the adoption of such ordinance by at least ninety days.~~ In the event that the Mayor or Council members leave a meeting without consent of the majority, each shall forfeit \$100 from their monthly compensation. The Mayor and Council members shall be entitled to reimbursement of expenses allowable under general law for the conduct of the business of the City, which shall be budgeted each Fiscal Year.

**City Charter Amendment 8:**

**TITLE:**

**PROVIDING FOR GENERAL & RUNOFF ELECTIONS**

For \_\_\_\_\_

Against \_\_\_\_\_

**ARTICLE IV. NOMINATIONS AND ELECTIONS**

**Section 4.03 ELECTIONS PROCESS**

~~In the event that three or more candidates qualify for any office, a primary election shall be held. If any candidate receives a majority of the ballots cast in a primary election, the canvassing board shall declare him elected. Otherwise, the names of the two candidates receiving the largest number of votes for the office shall be placed on the ballot of the general election. The elections shall be held as prescribed by Chapter 95-62 of the Laws of Florida as may be amended from time to time.~~

A regular election of candidates for the offices of City Council and Mayor, as applicable, shall be conducted each odd-numbered year, pursuant to that special act of the Legislature known as the Volusia County Uniform Election Act, Chapter 95-462, as amended by Chapter 98-506, and as may be amended in the future. All municipal elections shall be nonpartisan. A majority of the votes cast shall be required for election. In the event no candidate for any seat shall receive a majority of the votes cast, a runoff election shall be held the first Tuesday after the first Monday in November of each odd-numbered year, pursuant to that special act of the Legislature known as the Volusia County Uniform Election Act, Chapter 95-462, as amended by Chapter 98-506, and as may be amended in the future, and only the names of the two candidates receiving the largest number of votes for any seat shall be printed on the ballot for such runoff election.

**SECTION 4.** The proposed amendments, the ballot titles and the wording of the substance of the proposed amendments to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of questions as set forth in Section 2 of this Ordinance.

**SECTION 5. Conflicts.** All Ordinances and Charter provisions or parts of Ordinances and Charter provisions in conflict herewith are hereby repealed.

**SECTION 6. Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto. Further, the lack of approval by a majority of electors of one or more separate amendments to this Charter, as set forth in Section 2 herein, shall not be deemed to affect the validity of any amendments that may be approved by a majority of the electors.

**SECTION 7. Effective Date of Ordinance.** This Ordinance shall take effect immediately upon its final passage and adoption.

**SECTION 8. Effective Date of Charter Amendments.** The revised Charter provisions proposed for approval in this Ordinance shall become effective upon their approval at a referendum election of the electors of the City of Orange City in accordance with Section 166.031, Florida Statutes, and Section 9.02 of the City Charter. If the electors reject an amendment, the rejected amendment shall not take effect. The City Clerk is hereby directed, upon adoption of the revised Charter, to renumber the Charter to logically organize all Charter amendments, and to promptly file the revised Charter with the State of Florida, Department of State, as required by Section 166.031, Florida Statutes.

**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	_____		

**ROLL CALL VOTE AS FOLLOWS:**

Second Reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

**ATTEST:**

**AUTHENTICATED:**

\_\_\_\_\_  
Deborah J. Renner, CMC, City Clerk

\_\_\_\_\_  
Harley Strickland, Mayor

Approved as to form and legal sufficiency:

\_\_\_\_\_  
William E. Reischmann, Jr., City Attorney