

Meeting Date: 2/14/2012



Agenda Item # 5-A

CITY COUNCIL AGENDA ITEM

Contact Name:	<u>Debbie Renner</u>	City Attorney:	<u>W.E. Reischmann</u>
Department/Contact #	<u>City Clerk</u>	City Manager:	<u>Jamie Croteau</u>

Type of Item:

<input type="checkbox"/>	Public Hearing	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	Ordinance First Reading	<input type="checkbox"/>	Discussion & Action
<input type="checkbox"/>	Ordinance Second Reading	<input type="checkbox"/>	Council Approval

Subject: Charter Review

BACKGROUND: As you directed, the Charter officers have reviewed the current charter and have identified several areas which have been problematic along with potential solutions.

As noted in our discussions on the charter last month, in order to change to even year elections it will be necessary to adopt an ordinance prior to March 1st opting out of the Special Act which currently governs Volusia County elections. Ordinance No. 478 has been prepared to accomplish the change to even-year elections. Also included in the ordinance is a means of transitioning to the new schedule which will necessitate adding an additional year onto each Council Member's term. The ordinance also returns the City to a primary/general election system rather than the general/runoff system which proved to be problematic during the past couple of elections.

RECOMMENDATIONS: Adoption of Ordinance No. 478 is recommended if it is your desire to change to an even-year election schedule.

ATTACHMENTS: Ordinance No. 478

FINANCIAL IMPACT: A positive financial impact of \$8,000 to \$10,000 per election year is anticipated

Reviewed by City Attorney _____
 Reviewed by Finance Dept. _____
 Reviewed by: _____

1st Discussion Date: date.	2nd Discussion Date: date.	Third Discussion Date: date.	Other Dates: date.
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ORDINANCE NO. 478

AN ORDINANCE OF THE CITY OF ORANGE CITY, FLORIDA, RELATIVE TO ELECTIONS; AMENDING SECTIONS 4.02 AND 4.03 OF THE CHARTER OF THE CITY OF ORANGE CITY, FLORIDA BY AMENDING ELECTION DATES AND QUALIFYING DATES FOR MUNICIPAL OFFICE TO COINCIDE WITH THE FLORIDA ELECTION CODE; MAKING ADJUSTMENTS TO THE TERMS OF OFFICE FOR EXISTING ELECTED OFFICIALS NECESSITATED BY SUCH CHANGE IN ELECTION DATES; PROVIDING FOR A PRIMARY AND GENERAL ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, the Florida Legislature enacted a special legislative act, Chapter 95-462, as amended by Chapter 98-506 (the "Volusia County Uniform Elections Act"), which Act provides for uniform filing and election dates in Volusia County for the election of municipal officers in odd-numbered years; and

WHEREAS, the Supervisor of Elections for Volusia County has recommended that, due to recent changes in the Florida Election Code, it is no longer practical to hold municipal elections in accordance with the dates prescribed by the Act; and

WHEREAS, holding municipal elections in even-numbered years coincident with the Florida Election Code will save City taxpayers money in the cost of conducting municipal elections and will increase voter turn-out; and

WHEREAS, the City Council determines that it would be beneficial to the City, financially and practically, to hold the City of Orange City elections coincident with federal, state and county elections; and

WHEREAS, pursuant to 100.3605(2) F.S., the City Council, as the governing body, may provide by ordinance for the change of dates for qualifying and for the election of members of the governing body of the municipality and provide for the orderly transition of office resulting from such date changes; and

WHEREAS, the City Council has determined that it is necessary to amend Sections 4.02 and 4.03 of the Orange City Charter to change election and qualifying dates in order for municipal elections to coincide with federal, state and county elections, and to change the current terms of office necessitated by such change in election dates so they will be coincident with federal, state and county elections held in Volusia County in accordance with the Florida Election Code; and

WHEREAS, a conflict has arisen between Section 2.06 Meetings and Section 4.02, Election and Terms which can be resolved by changing to a primary/general

election system from the current general/run-off election system.

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

SECTION 1. The Charter of the City of Orange City is hereby amended by amending Section 4.02, "ELECTION AND TERMS" to read in full as follows:

Section 4.02 ELECTION AND TERMS

(a) The Mayor and all Council Members shall be elected for a four-year term. Elections shall be held in ~~odd~~ even numbered years ~~only~~. on the date(s) established by the Florida Election Code for the Primary and General Elections respectively. In the event three or more candidates in any one race qualify for the election, a primary election will be held on the date established by the Florida Election Code for the Primary election. In the event no candidate in any of the races on the Primary election ballot receives a majority of the votes cast, a General election shall follow with the names of the two candidates receiving the most votes in each of the races appearing on the ballot in said Primary election along with those contested candidates not appearing in the Primary election. The Mayor and Council members designated as Districts 1, 2, and 3 shall be elected in one group; and Council members designated as Districts 4, 5, and at large shall be elected in the next group. ~~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 beginning with the 2009 election, residency and all other requirements shall apply to District 4, 5, and at large Council Member. For qualifying beginning 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 2. The Charter of the City of Orange City is hereby amended by amending Section 4.03, "ELECTIONS PROCESS" to read in full as follows:

Section 4.03 ELECTIONS PROCESS

~~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 3. The current terms of office of the Mayor and each City Council Member in office as of the effective date of this Ordinance shall be extended one (1) year to accommodate the change in the election dates from odd-numbered years to even numbered years. Therefore, Districts 4 and 5 and the at-large Council Member shall be up for election in 2014 and Districts 1, 2, 3 and Mayor shall be up for election in 2016.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application thereof, is for any reason held invalid or unconstitutional by any Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 5. This ordinance shall become effective upon adoption by the City Council of the City of Orange City.

ROLL CALL VOTE AS FOLLOWS:

First Reading this _____ day of _____, 2011.

Gary Blair	_____	Anthony Pupello	_____
Michael G. Wright	_____	Tom Abraham	_____
Ron Saylor	_____	O. William Crippen, Vice Mayor	_____
Tom Laputka, Mayor	_____		

ROLL CALL VOTE AS FOLLOWS:

Second Reading this _____ day of _____, 2011.

Gary Blair	_____	Anthony Pupello	_____
Michael G. Wright	_____	Tom Abraham	_____
Ron Saylor	_____	O. William Crippen, Vice Mayor	_____
Tom Laputka, Mayor	_____		

PASSED and ADOPTED this _____ day of _____, 2011.

ATTEST:

AUTHENTICATED:

Deborah J. Renner, CMC, City Clerk

Tom Laputka, Mayor

Approved as to form and legal sufficiency:

William E. Reischmann, Jr., City Attorney