

ORDINANCE NO. __-2025

AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE GENERAL ORDINANCES, SECTION 2-380, "VIOLATIONS," OF ARTICLE IX, "SANCTIONS FOR CHARTER VIOLATION," OF CHAPTER 2, "ADMINISTRATION," TO UPDATE VOTING REQUIREMENTS; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the City of Deltona, Florida (the "City"), adopted Section 2-380, "Violations," of Article IX, "Sanctions for charter violation," of Chapter 2, "Administration" within its General Ordinances; and

WHEREAS, the City Commission finds that updating the voting requirements such that the commissioner charged with a violation of the Deltona City Charter may not participate in the making of a motion, second, or voting on the charge will provide for increased public trust and ethical conduct amongst its members; and

WHEREAS Section 2-380, "Violations," of Article IX, "Sanctions for charter violation," of Chapter 2, "Administration," shall be amended accomplish these goals; and

WHEREAS, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:

Section 1. Recitals Adopted. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

Section 2. Amendment to the Code of Ordinances. The City Commission hereby approves and adopts modifications to Section 2-380, "Violations," of Article IX, "Sanctions for charter violation," of Chapter 2, "Administration," of the General Ordinances, as set forth in "Exhibit A" attached hereto.

Section 3. Conflicts. Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

Section 5. Codification. The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

Section 6. Effective Date. This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF
DELTONA, FLORIDA THIS _____ DAY OF _____, 2025.**

First Reading: _____
Advertised: _____
Second Reading: _____
BY: _____
Santiago Avila, Jr., MAYOR

ATTEST:

Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality
for use and reliance of the City of
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

TG Law, PLLC, CITY ATTORNEY

ARTICLE IX. SANCTIONS FOR CHARTER VIOLATION

Sec. 2-380. Violations.

If a city commissioner is found, after a hearing as set forth herein, to have violated any provision of the Deltona City Charter, such commissioner shall be subject to sanctions as set forth in section 2-381. A violation may be brought forward by either a city commissioner or a charter officer of the city. A charge of violation shall be initiated by motion of a member of the city commission who shall summarize the alleged violation in the motion. All city commissioners, including the commissioner charged with a violation, may take part in ~~and vote as to~~ all matters relating in any way to the charge, but the commissioner charged with a violation may not participate in the making of a motion, second, or voting on the charge. If a majority of the city commission votes to have the charge heard, consideration of the alleged violation shall be placed on an upcoming agenda by the city manager for a formal quasi-judicial hearing. The city attorney shall advise the city commission as to the proper procedures for the conduct of the quasi-judicial hearing. The burden of proof at the quasi-judicial hearing for consideration of the charge shall be "clear and convincing evidence". A finding of guilt shall only be upon the affirmative vote of a super-majority of the entire city commission.