

## **ORDINANCE NO. 14-2022**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, ADOPTED PURSUANT TO SECTIONS 101.161 AND 166.031, FLORIDA STATUTES; SETTING FORTH PROPOSED AMENDMENTS TO THE CITY CHARTER TO BE SUBMITTED TO THE VOTERS AS A REFERENDUM AT THE GENERAL ELECTION ON NOVEMBER 8, 2022; PROVIDING FOR BALLOT SUMMARY AND TITLE TO REPEAL CHARTER PROVISIONS WHICH HAVE BEEN SUPERSEDED BY STATE LAW OR HAVE BECOME OBSOLETE BY OTHER CONDITIONS; PROVIDING FOR CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 166, Florida Statutes, Municipal Home Rule Powers Act, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said Charter except the part describing the boundaries of such municipality, and the governing body shall place proposed amendment contained in the ordinance to a vote of the electors at the next scheduled general election held within the municipality; and

**WHEREAS**, Section 101.161, Florida Statutes, provides the form and content for referenda ballots; and

**WHEREAS**, the City Commission has held a public hearing in accordance with Florida law; and

**WHEREAS**, the City Commission deems the proposed amendment to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, THAT:**

**SECTION 1. Findings of Fact.** The foregoing recitals are hereby ratified and confirmed as being true and correct and hereby make a part of this ordinance.

**SECTION 2. Amendment to the City Charter.** The City Commission of the City of Deltona hereby proposes and approves amendment to the City of Deltona Charter, Chapter 95-498, Laws of Florida (Sp. Acts), as previously amended, to be further amended in pertinent part as follows (the "Charter Amendment"). Except as provided herein or as otherwise provided by separate amendment, charter provisions not shown are not amended; words that are ~~stricken~~ ~~out~~ are deletions and words that are underlined are additions.

### **PART I – CHARTER**

**Section 1. Short title.**

This act, together with any future amendments thereto, shall be known and may be cited as the "City of Deltona Charter," hereinafter referred to as "the Charter."

**Section 2. Legislative intent.**

The Legislature hereby finds and declares that:

- (1) The Deltona Lakes area in Volusia County includes a compact and contiguous urban community amenable to separate municipal government.
- (2) It is in the best interests of the public health, safety, and welfare of the citizens of this community to form a separate municipality for the Deltona Lakes area with all powers and authority necessary to provide efficient and adequate municipal services to its residents.

**Section 3. Incorporation of municipality and corporate limits.**

There is hereby created in Volusia County, a new municipality to be known as the City of Deltona, which shall have a Commission-Manager form of government. The Corporate boundaries of the City of Deltona, hereinafter referred to as "the City," shall be as described in section 9(1).

**Section 4. Municipal powers.**

The City shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this Charter, unless otherwise prohibited by or contrary to the provisions of this Charter. The City shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes unless expressly prohibited by law. The powers of the City shall be liberally construed in favor of the City.

**Section 5. City Commission.****(1) CITY COMMISSION: COMPOSITION; QUALIFICATIONS FOR OFFICE.****(a) *Composition.***

1. There shall be a seven-member City Commission, consisting of a Mayor and six Commissioners each elected from and representing the district in which he or she resides, and with the Mayor elected from and representing the City at large regardless of the district in which he or she resides. For purposes of proper interpretation of this Charter, unless the context otherwise requires, the term "Commissioner" shall be construed to include the Mayor.
2. There shall be six districts within the City, the boundaries of which are as outlined in section 9(2), to be designated as District One (1), District Two (2), District Three (3), District Four (4), District Five (5), and District Six (6). The Commissioners elected from and representing these districts shall hold District Seats one to six respectively. The remaining Commission seat shall be designated as the "Mayor's Seat."

**(b) Qualifications for office.**

1. Each candidate for the office of City Commissioner shall be a qualified elector of the City.
2. Each individual seeking to qualify as a candidate for a district seat on the Commission shall submit a petition supporting his or her candidacy to the City Clerk containing the signatures of at least 100 electors residing within the district which he or she seeks to represent. In lieu of the signature requirement, a candidate may pay a qualifying fee in an amount equal to three percent (3%) of the annual salary of the office sought as provided for by Florida Statute, to be paid by a check drawn on the candidate's campaign account, payable to the City of Deltona.
3. Each individual seeking to qualify as a candidate for Mayor shall submit a petition supporting his or her candidacy to the City Clerk containing the signatures of at least 150 electors residing within the City. In lieu of the signature requirement, a candidate may pay a qualifying fee in an amount equal to three percent (3%) of the annual salary of the office sought as provided for by Florida Statute, to be paid by a check drawn on the candidate's campaign account, payable to the City of Deltona.
4. At the time of qualification, each candidate for a district seat on the Commission shall have resided in the district that he or she seeks to represent for the immediate six (6) months prior to the qualifying date. Candidates for Mayor must have resided in the City for the immediate six (6) months prior to the qualifying date. For the length of their term, Commissioners shall maintain residency within the boundaries of their district and the Mayor shall maintain residency within the boundaries of the City.

If the residence of a Commissioner or Mayor is deemed uninhabitable through an "Act of God" or some other means, the Commissioner or Mayor may temporarily reside outside the district for not more than one year.

- ~~5. Additionally, for the initial election, following the referendum approving the creation of the City, candidates for office shall qualify as provided in section 13(3).~~

- (2) TERMS OF OFFICE. The term of office for each Commissioner shall be four (4) years. Term of office for each Commission shall be 4 years except that, in order to provide for staggering of terms, the initial term of office for District Seats One, Three, Five and the Mayor's Seat shall be for 2 years. Neither the Mayor nor any other Commissioner may serve more than two successive 4-year terms in the same seat. Each Commissioner shall remain in office until his or her successor is elected and assumes the duties of the position at the first meeting of the new Commission which shall be held on the first Monday following the regularly scheduled general election.
- (3) POWERS AND DUTIES OF COMMISSION. Except as otherwise prescribed herein or provided by law, legislative and police powers of the City shall be vested in the Commission. The Commission shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the City by law.
- (4) THE MAYOR: POWERS AND DUTIES.
  - (a) Powers. There shall be a Mayor who shall be elected at large and who shall have the same legislative powers and duties as any other Commissioner, except as herein provided.

- (b) Duties. In addition to his or her regular powers and duties, the Mayor shall preside at the meetings of the Commission, sign or execute ordinances, and be recognized as the ceremonial head of the City government. The Mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the City Commission, consistent with general or special law.
- (5) THE VICE MAYOR: ELECTION AND DUTIES.
- (a) Election. There shall be a Vice Mayor elected annually by the Commission from among the Commissioners. Such election shall take place at the first meeting after the general election.
- (b) Duties. The Vice Mayor shall have the same legislative powers and duties as any other Commissioner, except that he or she shall serve as Acting Mayor during the absence or disability of the Mayor, and during such period, shall have the same duties as provided for in paragraph (4)(b). In the absence of the Mayor and Vice Mayor, the remaining Commissioners shall select a Commissioner to serve as Acting Mayor.
- (6) COMPENSATION AND EXPENSES.
- (a) Compensation. The Mayor and members of the City Commission shall receive annual compensation, payable bi-weekly, equivalent to average annual salary of the Mayor and Commissioners in the cities within Volusia County. Said compensation shall not include benefits, except medical benefits under the City's group health insurance plan, the premium costs of which shall be fully paid by the members of Commission who elect coverage. Said compensation shall be identified as a line item within the annual budget and shall be automatically adjusted every two years coincident with adoption of the annual budget.
- (b) Expenses. The Commission may provide for reimbursement of actual expenses incurred by its members while performing their official duties.
- (7) VACANCIES, FORFEITURE OF OFFICE; SUSPENSION; FILLING OF VACANCIES.
- (a) Vacancies. A vacancy in the office of a Commissioner shall occur upon the death of the incumbent, removal from office as authorized by law, resignation, and appointment to other public office which creates dual office holding, judicially determined incompetency, or forfeiture of office as herein described.
- ~~(b) Forfeiture of office. A Commissioner shall forfeit his or her office upon determination by the Commission, acting as a body, that he or she:~~
- ~~1. Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this Charter or otherwise required by law;~~
  - ~~2. Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication of guilt has been withheld;~~
  - ~~3. Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;~~

~~4. Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor; unless subsequently reinstated as provided by law; or~~

~~5. Is absent from three consecutive regular Commission meetings without being excused by the Commission.~~

~~(e) Suspension from office. A Commissioner shall be suspended from office by the Commission acting as a body upon return of an indictment or issuance of information charging the Commissioner with any crime which is punishable as a felony or with any crime arising out of his or her official conduct or duties which is punishable as a misdemeanor. Pursuant thereto:~~

~~(1) During the period of suspension, the Commissioner shall not perform any official act, duty, or function, or receive any pay, allowance, emolument, or privilege of office.~~

~~If the Commissioner is subsequently found not guilty of the charge, or if the charge is otherwise dismissed or altered in such manner that suspension would no longer be required as provided herein, the suspension shall be lifted by the Commission, and the Commissioner shall be entitled to receive full back pay and such other emoluments or allowances as he or she would have been entitled to had the suspension not occurred.~~

~~(d) Filling of vacancies.~~

1. If a vacancy occurs in the office of Mayor, the Vice Mayor shall serve as Mayor until a new Mayor is elected at the next regularly scheduled City election and assumes the duties of his or her office. The Commission shall fill the Commissioner's seat temporarily vacated by the Vice Mayor by appointment as herein provided.

2. If any vacancy occurs in the office of any Commissioner other than the Mayor and the remainder of the unexpired term is less than 2 years, the remaining Commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term exceeds 2 years, the remaining Commissioners shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled City election.

3. Any person appointed to fill a vacant seat on the Commission is required to meet the qualifications of the seat to which he or she is appointed, except the petition requirement.

(8) CITY COMMISSION MEETINGS. The Commission shall meet regularly at least once a month, at such times and places as the Commission may prescribe. Such meetings shall be public meetings, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

(a) The first meeting following a general City election at which elected or reelected Commissioners are inducted into office shall be held on the first Monday following such election.

- (b) A majority of the Commission shall constitute a quorum. No action of the Commission shall be valid unless adopted by an affirmative vote of the majority of the Commissioners in attendance, unless otherwise provided by law or stated herein. All actions of the City Commission shall be by ordinance, resolution, or motion.
- (c) Special meetings may be held at the call of the Mayor, or, in his or her absence, at the call of the Vice Mayor. Special meetings may also be called upon the request of a majority of the Commissioners. The City Clerk shall provide not less than 12 hours' prior notice of the meeting to the public, where practical.
- ~~(9) CITY RECORDS. The Commission shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the Commission, and the same shall at all times be a public record. The Commission shall further maintain a current codification of all ordinances. Such codification shall be printed and be made available to the public on a continuing basis. All ordinances or resolutions of the Commission shall be signed by the Mayor or by the Vice Mayor in the Mayor's absence, or by the Acting Mayor in the case of the absence or disability of the Mayor and Vice Mayor, and attested to by the City Clerk.~~
- (10) LIMITATION OF EMPLOYMENT OF COMMISSIONERS. No Commissioner shall be in the employment of the City while in office, nor shall any former Commissioner be employed by the City until after the expiration of 1 year from the time of leaving office.
- (11) NONINTERFERENCE BY CITY COMMISSION. Except for the purpose of inquiry and information, the Commission and its members, including committees thereof, are expressly prohibited from interfering with the performance of the duties of any City employee who is under the direct or indirect supervision of the City Manager or City Attorney. Such action shall be malfeasance within the meaning of Florida Statutes.

#### **Section 6. Budget and appropriations.**

- ~~(1) FISCAL YEAR. The City shall have a fiscal year which shall begin on October 1 of each year and end on September 30 of the succeeding year.~~
- ~~(2) BUDGET ADOPTION. The Commission shall, by resolution, adopt a budget on or before the 30th day of September of each year. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.~~
- ~~(3) APPROPRIATION AMENDMENTS DURING THE FISCAL YEAR.~~
  - ~~(a) Supplemental appropriations. If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the Commission may, by resolution, make supplemental appropriations for the year in an amount not to exceed such excess.~~
  - ~~(b) Reduction of appropriations. If, at any time during the fiscal year, it appears probable to the City Manager that the revenues available will be insufficient to meet the amount appropriated, he or she shall report same to the Commission without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The Commission shall then take such further~~

~~action as it deems necessary to prevent or minimize any deficit and, for that purpose, the Commission may by resolution reduce one or more appropriations accordingly.~~

- ~~(c) Transfer of appropriations. At any time during the fiscal year, the City Manager may transfer all or part of any unencumbered appropriation balance within a department, office, or agency of the City to other programs within the same department, office, or agency. And, upon written request of the City Manager, the Commission may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.~~
- ~~(d) Limitations; effective date. No appropriation for debt service may be reduced or transferred, no appropriation may be reduced below any amount required by law to be appropriated, and no appropriation may be reduced by more than the amount of the unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.~~
- ~~(e) The Commission shall adopt a formal debt policy by ordinance. Such policy will require that general obligation debt or debt pledging property taxes (ad valorem revenue) will only be issued after an affirmative vote of the electors of the City. The Commission can authorize and issue revenue bonds pledging non ad valorem revenues, consistent with City debt policy.~~

## **Section 7. Charter Officers.**

- (1) CHARTER OFFICERS: APPOINTMENT, REMOVAL, COMPENSATION, FILLING OF VACANCIES; CANDIDATE FOR CITY OFFICE. The designated Charter Officers shall be the City Manager and City Attorney.
  - (a) Appointment. The Charter Officers shall be appointed by a supermajority of five (5) votes of the full Commission and shall serve at the pleasure of the Commission.
  - (b) Removal. The Charter Officers shall be removed from office only by a supermajority of five (5) votes of the full Commission. If the vote is less than unanimous, the Charter Officer may, within 7 days of the dismissal motion by the Commission, submit to the Mayor a written request for reconsideration. Any action taken by the Commission at the reconsideration hearing shall be final.
  - (c) Compensation. The compensation of the Charter Officers shall be fixed by the City Commission.
  - (d) Filling of vacancies. The City Commission shall begin the process to fill a vacancy in the Charter Office of the City Manager or the City Attorney within 90 days of the vacancy. An Acting City Manager or Acting City Attorney may be appointed by the Commission during a vacancy in office.
  - (e) Candidate for City Office. Charter Officers shall not be a candidate for any elected office while holding his or her Charter Office position.
- (2) CITY MANAGER: QUALIFICATIONS; POWERS AND DUTIES. The City Manager shall be the Chief Administrative Officer of the City.
  - (a) Qualifications. The City Manager shall be selected on the basis of experience, expertise, education, and management ability as it pertains to running municipal government. Although the City Manager need not be a resident of the City at the time of appointment, within 6 months of such appointment, he or she shall establish

and maintain residency within the corporate limits of the City. Upon request of the City Manager, this 6-month period may be extended by the City Commission for an additional 6-month period.

(b) Power and duties. The City Manager shall:

1. Attend all meetings of the City Commission.
2. Draw and sign vouchers upon depositories, which vouchers shall be countersigned by the Finance Director or by the City Clerk, in the event of the Finance Director's absence or disability, and keep, or cause to be kept, a true and accurate account of same.
3. Be responsible for signature and issuance of all licenses issued by the City; issuance of receipts for all moneys paid to the City; and deposit of said moneys in the proper depositories on the first banking day after receipt.
4. Provide administrative services as required by the Mayor and the Commission.
5. Appoint a City Clerk to serve at his or her pleasure.
6. Appoint and suspend or remove any employee of the City. The City Manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency within the guidelines of stated personnel policies and procedures.
7. Direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law.
8. See that all laws, provisions of this Charter, and acts of the Commission are faithfully executed.
9. Prepare and submit the annual budget, budget message, and capital program to the Commission.
10. Keep the Commission fully advised as to the financial condition and future needs of the City and make such recommendations to the Commission concerning the affairs of the City.
11. Submit to the Commission, and make available to the public, a complete report on finances and administrative activities of the City as of the end of each fiscal year.
12. Sign contracts on behalf of the City to the extent authorized by the Commission.
13. Assist the Commission to develop long term goals for the City and strategies to implement these goals.
14. Encourage and provide staff support for regional and intergovernmental cooperation and submit reports of any of these activities to the Commission.
15. Promote partnerships among the Commission, staff, and citizens in developing public policy and building a sense of community.
16. Perform such other duties as are specified in this Charter or as may be directed by the Commission.

(3) CITY ATTORNEY; QUALIFICATIONS; POWERS AND DUTIES. The City Attorney shall be the chief legal officer of the City, and shall serve as chief legal advisor



to the City Commission, the City Manager, and all City departments, offices, City advisory boards, and agencies.

- (a) Qualifications. The City Attorney shall be a member of The Florida Bar in good standing. Within 6 months of the appointment of an in-house attorney, he or she shall establish and maintain residency within the corporate limits of the City.
- (b) Powers and duties. The City Attorney shall appoint, suspend or remove any assistant city attorney or legal counsel and shall have full managerial authority of any employee who works directly under the attorney. The City Attorney or his or her designee shall attend all City Commission meetings unless excused by the City Commission, and shall perform such professional duties as may be required by law or by the Commission in furtherance of the law. The City Attorney shall prepare an annual budget for the operation of the Office of the City Attorney and shall submit this budget to the City Manager for inclusion in the annual City budget, in accordance with uniform City procedures.

## **Section 8. Elections.**

- ~~(1) ELECTORS. Any person who is a resident of the City, who has qualified as an elector of this state, and who registers in the manner prescribed by law, shall be an elector of the City.~~
- (2) NONPARTISAN ELECTIONS. All elections for the Office of Mayor or other City Commissioners shall be conducted on a nonpartisan basis without any designation of political party affiliation. There shall be no party designation on official ballots, literature, or campaign advertising.
- ~~(3) QUALIFYING FOR OFFICE. If there are more than two candidates who qualify for any office, a primary election shall be held. The qualifying period for City of Deltona elections shall be set by ordinance. In addition, candidates shall qualify as provided in section 5 (1) (b).~~
- ~~(4) SCHEDULE FOR REGULAR ELECTIONS AND PRIMARIES. Any election relating to a municipal office shall be held in each even-numbered year as established by the Florida Election Code as it may be amended from time to time. Next general municipal election shall be held in November 2010, and every two years thereafter. Any other required or permitted municipal election shall be scheduled in accordance with law. However, the Supervisor of Elections, after consultation with the affected municipalities, may change any election date in order to avoid a conflict with a religious holiday.~~
- ~~(5) EXEMPTION. The City of Deltona opts to exempt itself from the provisions of the "Volusia County Uniform Election Day Act", Chapters 95-462 and 98-506, Laws of Florida.~~
- ~~(6) SCHEDULE FOR SPECIAL ELECTIONS.~~
  - ~~(a) An election to fill the remainder of an unexpired term shall be held during the next regularly scheduled election.~~
  - ~~(b) Special Municipal elections shall be held in the same manner as regular elections, except that the City Commission, by resolution, shall fix the time for holding of such elections.~~
- ~~(7) DETERMINATION OF ELECTION TO OFFICE.~~

- ~~(a) If more than two candidates qualify for an office, the names of those candidates shall be placed on the ballot at the primary election. If any candidate for such office receives a majority of the votes cast in the primary election for the office, he or she shall be deemed to be elected.~~
- ~~(b) If no single candidate for an office receives a majority of the votes cast in the primary City election for that office, the two candidates for the office receiving the highest vote in the primary City election shall run again in the regular City election. Further:~~
- ~~1. In any primary election in which there is a tie for first place, the name of each candidate shall be placed on the City's general election ballot.~~
  - ~~2. In any primary election in which there is a tie for second place and the candidate placing first did not receive a majority of the votes cast for such office, the name of the candidate placing first and the name of each candidate tying for second shall be placed upon the City's general election ballot.~~
- ~~(c) The candidate receiving the highest number of votes cast for the office in the City's general election shall be elected to such office. If the vote at the general City election results in a tie, the outcome shall be determined by lot.~~
- ~~(8) CITY CANVASSING BOARD. For purposes of canvassing absentee ballots and election results in special elections, the City Clerk and three citizens appointed by the City Commission with a supermajority vote of the entire Commission, shall be known as the Canvassing Board. The members of the Canvassing Board shall be prohibited from the following:~~
- ~~• Making contributions to the campaigns of any candidates or issues on the ballot;~~
  - ~~• Endorsing any candidates or issues on the ballot; and~~
  - ~~• Running for office in the election for which the board has been convened.~~
  - ~~• Being a current elected official for the City of Deltona.~~

## **Section 9. Commission districts.**

### **(1) CITY BOUNDARIES.**

- (a) The corporate boundaries of the City of Deltona, and the district boundaries thereof, shall remain as they exist on the date this amended charter provision takes effect, providing that the city shall have the power to change such boundaries in the manner prescribed by law. A description of the corporate boundaries and district boundaries shall be maintained on file in the City Clerk's office and made available to the public.
- (b) The District boundaries shall be revised every 10 years based upon population figures following the release of census tract data.

## **Section 10. Dissolution of existing districts.**

- ~~(1) Deltona Fire District dissolution: transfer of assets and liabilities; services; personnel; transition ordinances. The Deltona Fire District, an independent special taxing district created by Chapter 69-1707, Laws of Florida, shall cease to exist on December 31, 1995. From that date forward, the City shall have, exercise, and enjoy all rights,~~

~~immunities, powers, benefits, privileges, and franchises now and formerly possessed or held by said Deltona Fire District. Pursuant thereto:~~

~~(a) *Transfer of assets and liabilities.* The assets, liabilities, and written contracts of the Deltona Fire District, including all rights, obligations, duties, and relationships now existing by law or agreement between the special district and other governmental units, shall be unaffected and shall remain in full force and effect and shall become those of the City of Deltona. All rights, claims, actions, orders, and all contracts between the special district and district personnel, and all legal or administrative proceedings involving the district, shall continue in full force and effect under the jurisdiction of the City of Deltona.~~

~~(b) *Services.*~~

~~1. To the extent not inconsistent with this Charter, all resolutions and policies of the Deltona Fire District shall remain in effect until amended, revised, or repealed by the City Commission.~~

~~2. Fire protection and emergency technician services shall thereafter be a function of the City of Deltona, specifically the Deltona Fire Department, under the jurisdiction of the City.~~

~~(c) *Personnel.* Employees of the Fire District shall become employees of the City, and all rights as to vacation, sick leave, pay grades, retirement, and insurance shall be preserved until such time as merit rules, regulations, and personnel procedures have been established by the City. The Deltona Fire District pension board shall remain in effect until such time as the City establishes a new pension board consistent with the rules, regulations, and personnel procedures that have been established by the City for fire personnel.~~

~~(d) [Repeal of state law.] Chapters 69-1707, 73-646, 83-533, 84-538 and 90-415, Laws of Florida, relating to the Deltona Fire District are hereby repealed.~~

#### **Section 104. General provisions.**

(1) Charter amendment. This Charter may be amended in accordance with the provisions of the Municipal Home Rule Powers Act, F.S. ch. 166, as the same may be amended from time to time, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

(2) Charter review.

(a) The Charter shall be reviewed no sooner than 5 years after the creation of the City of Deltona on December 31, 1995, and thereafter at least every 10 years.

(b) A five-member Charter Review Committee shall be appointed and funded by the Deltona City Commission. The Charter Review Committee shall be appointed at least 1 year before the next scheduled general election and complete its work and present any recommendations for change no later than 60 days before the general election.

(c) The Deltona City Commission shall hold a minimum of two public hearings on the proposed changes to the Charter prior to placing the proposed changes on the scheduled general election ballot.

~~(3) Initiative and referendum. At least 25 percent of the qualified electorate of the City shall have the power to petition the Commission to propose an ordinance or to require~~

reconsideration of an adopted ordinance, and if the Commission fails to adopt such ordinance so proposed, or to repeal such adopted ordinance, without any change in substance, then the Commission shall place the proposed ordinance, or the repeal of the adopted ordinance, on the ballot at the next general election.

- ~~(4) Standards of conduct. All elected officials and employees of the City shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the City Commission may, by ordinance, establish a code of ethics for officials and employees of the City which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law.~~

## **Section 12. Severability.**

If any provision of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application and to this end the provisions of this act are declared severable.

## **Section 13. Transition schedule.**

- ~~(1) STATE SHARED REVENUES. The City of Deltona shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of s. 218.23(1), Florida Statutes, shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 1996-1997. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the Bureau be unable to provide an appropriate population estimate, the Volusia County Planning Department shall provide an appropriate estimate.~~
- ~~(2) GAS TAX REVENUES. Notwithstanding the requirements of F.S. § 336.025 to the contrary, the City of Deltona shall be entitled to receive local option gas tax revenues beginning October 1, 1996. The amount of said revenues to be distributed to the City of Deltona shall be in accordance with an interlocal agreement between Volusia County and the municipalities within said County that shall take effect July 1, 1996. In the event an interlocal agreement is not enacted by July 1, 1996, the said revenues shall be distributed in accordance with F.S. § 336.025.~~

## **Section 14. Reserved.**

Editor's note(s)—Ord. No. 19-2014, § 1, adopted Aug. 18, 2014, repealed Charter § 14, which pertained to "[Effective date]."

## **Section 15. Reserved.**

Editor's note(s)—Ord. No. 19-2014, § 1, adopted Aug. 18, 2014, repealed Charter § 14, which pertained to "Future incorporation efforts."

**SECTION 3. Referendum.** The City Commission, pursuant to Section 166.031, Florida Statutes hereby calls a referendum election to be held concurrently with the general election on November 8, 2022 (the "Referendum"), whereby the elector of the City of Deltona shall vote on the Charter Amendment. The Charter Amendment shall be adopted if it receives a majority of the votes cast in the Referendum as to the Charter Amendment.

**SECTION 4. Ballot Question.** The ballot title and summary to be placed on the ballot and voted upon in the Referendum shall be substantially the following form:

**MODIFICATION OF CITY CHARTER BY  
REPEALING        SUPERSEDED        OR  
OBSOLETE PROVISIONS.**

Shall the City of Deltona Charter be amended to repeal  
provisions which either have been superseded by state law or  
have become obsolete by other conditions?

YES \_\_\_ FOR APPROVAL

NO \_\_\_ AGAINST APPROVAL

**SECTION 5. Amendment to City Charter.** The City Clerk is hereby directed to ensure that all advertising, translation and notice requirements are complied with and to coordinate all activities necessary to conduct the Referendum with the Supervisor of Elections for Volusia County, and to place the above-described question on the Referendum ballot. If the Charter Amendment is adopted, and after it is incorporated into the City Charter, the City Manager shall file the revised City Charter with the Department of State in accordance with Section 166.031(2), Florida Statutes.

**SECTION 6. Codification, Severability, and Conflicts.** It is the intention of the City Commission and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the City Charter of the City of Deltona, Florida, and that the sections may be renumbered or re-lettered and the headings may be changed to “Section”, “Article” or such other word or phrase in order to accomplish such intention.

If any clause, section, or other part of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered as eliminated and in no way affecting the validity of the other provisions of this Ordinance.

All Ordinances or parts of Ordinances, Resolutions, or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

**SECTION 7. Effective Date.** This Ordinance shall take effect immediately upon its adoption by the City of Deltona Commission. The Charter Amendment shall take effect immediately upon approval by the electors of the City of Deltona at the Referendum election to be held on November 8, 2022, in accordance with the provisions of this Ordinance and Section 166.031, Florida Statutes.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA,  
FLORIDA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.**

FIRST READING: \_\_\_\_\_

ADVERTISED: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

BY: \_\_\_\_\_  
Heidi K. Herzberg, MAYOR

ATTEST:

\_\_\_\_\_  
Joyce Raftery, CMC, MMC, CITY CLERK

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

\_\_\_\_\_  
CITY ATTORNEY