



CITY OF DELAND
2024 CHARTER REVIEW COMMITTEE
APRIL 3, 2024 AT 6:00 PM
CITY HALL, COMMISSION CHAMBERS
120 SOUTH FLORIDA AVENUE

AGENDA

CALL TO ORDER

ROLL CALL

OLD BUSINESS

1. Approval of Minutes, March 06, 2024, Charter Review Meeting.

NEW BUSINESS

1. Review Draft Ordinances re Charter Changes.

GENERAL COMMENTS

ADJOURNMENT

Notice of special meetings, workshops, changes in dates, times or locations are provided by separate Public Notices, which are posted at City Hall and on the City's web site.

The City of DeLand may take action on any matter during this meeting, including items that are not set forth within this agenda.

In accordance with the American Disabilities Act, persons needing a special accommodation in order to participate in the proceedings should notify the City Clerk's Office at least 48 hours in advance of the meeting: 626-7132.

Assisted Listening System receivers are available for the hearing impaired, and can be obtained from the City Clerk.

If you wish to obtain information regarding the Committee's Agenda, please call the City Clerk's Office: 626-7132.

We respectfully request that all electronic devices and cell phones be turned OFF during City Commission meetings.

Electronic Information! Agendas are now available on the City's web page: www.deland.org.



**MINUTES OF THE CHARTER REVIEW
COMMITTEE OF THE CITY OF DELAND
MARCH 6, 2024
CITY COMMISSION CHAMBERS, CITY HALL
120 S. FLORIDA AVENUE**

CALL TO ORDER:

The meeting was called to order at 6:01 p.m., by Charles Paiva.

ROLL CALL:

Mike Abels	Present
Robert Apgar	Present
Barbara Girtman	Present
Solomon Greene	Present
Charles Paiva	Present

Also Present:	Michael P. Pleus, City Manager
	Darren J. Elkind, City Attorney
	Julie Hennessy, City Clerk
	Kendra Curry, Paralegal

OLD BUSINESS:

1. Approval of Minutes, February 15, 2024, Charter Review Meeting.

A motion was made by Bob Apgar for one correction to the minutes of the February 15, 2024, Charter Review Committee meeting, to change the wording from “second chair” to “vice chair”. Solomon Greene seconded the motion, which carried by a unanimous vote. A copy of the revised minutes is attached hereto.

NEW BUSINESS:

1. Review staff Comments Regarding the Charter.

Darren Elkind discussed the changes and/or comments recommended by the Charter Review Committee and staff. The Charter Review Committee agreed to the proposed revisions and comments discussed by Mr. Elkind are acceptable as presented. Mr. Elkind advised the Committee that at the next Charter Review Committee meeting he will provide a proposed Ordinance (strikethrough and underlined changes) and ballot questions.

GENERAL COMMENTS.

The next Charter Review Committee meeting was scheduled for April 3, 2024 at 6:00 PM.

ADJOURNMENT:

The meeting was adjourned at 7:50 p.m.

Kendra R. Curry
Paralegal

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE I, SECTION 4 “GENERAL POWERS” SUBSECTIONS (17); PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article I of the Charter is hereby amended by amending Section 4 “General Powers”, subsection (17), by deleting the ~~stricken-thru~~ language and by inserting the new underlined language to read as follows:

Sec. 4. General Powers.

(17) Reserved. ~~To drain swamp, marsh, overflow and low lands within or without the city for the betterment of sanitary conditions within the city.~~

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand’s Charter to Remove the Power to Drain Swamp, Marsh, Overflow and Low Lands

Shall DeLand’s charter be amended to remove the statement that the city commission has the power to drain swamp, marsh, overflow and low lands inside and outside of the city since the city commission could not lawfully exercise such powers under current state and federal law?

YES_____

NO_____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article” or other appropriate word.

Section 5. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind

City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE I, SECTION 4 “GENERAL POWERS” SUBSECTION (33); PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the proposed amendment to the Charter shall be conditioned upon approval of the voters by referendum.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article I of the Charter is hereby amended by amending Section 4 “General Powers”, subsection (33), by deleting the ~~stricken thru~~ language and by inserting the new underlined language to read as follows:

Sec. 4. General Powers.

(33) To provide for the punishment of persons who may at any time disturb the peace of the city, and to do or regulate any other matter or thing that may tend to promote the health, welfare, prosperity and morals of the city, ~~and to prohibit and suppress all bawdy houses and disorderly houses and any exhibition, show, circus, parade or amusement contrary to good morals and to prohibit and suppress the distribution, sale or possession of obscene pictures and literature.~~

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand’s Charter to Remove Outdated References to Certain Activities

Shall DeLand’s charter be amended to remove the outdated references to certain activities which are regulated under other provisions of state or local law?

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article” or other appropriate word.

Section 5. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE II, SECTION 7 “PRESIDING OFFICER, MAYOR-COMMISSIONER AND VICE-MAYOR” AND ARTICLE II, SECTION 8 “ELECTION OF COMMISSION; VACANCY; TERM”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article II of the Charter is hereby amended by amending Section 7 “Presiding officer, mayor-commissioner and vice-mayor” by deleting the ~~stricken-thru~~ language and by inserting the new underlined language to read as follows:

Sec. 7. Presiding officer, mayor-commissioner and vice-mayor.

The mayor-commissioner shall preside at all meetings of the city commission and shall perform such other duties, consistent with his the mayoral office, as may be delegated to him the mayor-commissioner by the city commission. ~~He~~ The mayor-commissioner shall have a voice and a vote in the proceedings of the city commission, but shall not have any veto power. ~~He~~ The mayor-commissioner shall be recognized as the head of the city government for all ceremonial purposes and by the governor of this state for purposes of military law. ~~He~~ The mayor-commissioner shall execute all instruments to which the city is a party, on behalf of the city, unless otherwise provided by this Charter or by resolution. ~~He~~ The mayor-commissioner shall have the authority to issue, sign and present certificates and proclamations. ~~He~~ The mayor-commissioner shall not have any regular administrative duties, except as may be authorized in this Charter. A vice-mayor shall be elected by the city commission from its own members at its organizational meeting. In the temporary absence from the city or in the temporary disability of the mayor-commissioner, ~~his~~ the mayor-commissioner duties shall be exercised by the vice-mayor. The

temporary absence or disability of the mayor-commissioner shall be certified to the city commission by the city manager.

Section 2. Article II of the Charter is hereby amended by amending Section 8 “Election of commission; vacancy; term” by deleting the stricken-thru language and by inserting the new underlined language to read as follows:

Sec. 8. Election of commission; vacancy; term.

At all elections the candidates shall be grouped by seats on the commission. Seat Number 1 shall be for the office of mayor-commissioner. Seat Numbers 2 through 5 shall be for the office of commissioner. All members of the commission shall be elected for terms of four years.

If a vacancy occurs in the city commission and there is more than 28 months remaining in the term, or if a resignation is provided to the City Clerk by a sitting city commissioner at least 28 months prior to the expiration of that commissioner's term, which resignation is effective at least 24 months prior to the expiration of that commissioner's term, then the city commission shall, within 60 days from the date of the vacancy, call for a special election to elect the replacement. In all other instances in which a vacancy occurs in the city commission, the city commission shall, within 45 days of the date of the vacancy, elect by majority vote of the remaining commissioners a replacement commissioner. Any replacement commissioner elected or appointed under this section shall take office immediately upon ~~his or her~~ their appointment or election and qualification and shall serve for the remainder of the term of office of the commissioner ~~whom he or she~~ being replaced.

Section 3. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand’s Charter to Remove References to Gender of City Commissioners

Shall DeLand’s charter be amended to change references to city commissioners from masculine to gender neutral to reflect the fact that both men and women can be elected to the city commission?

YES _____

NO _____

Section 4. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 5. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to

accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article” or other appropriate word.

Section 6. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 7. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 8. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 9. Effective Date. Sections 1 and 2 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE II, SECTION 14 “APPOINTMENT OF CITY MANAGER”; BY AMENDING ARTICLE II, SECTION 15 “COMPENSATION”; BY AMENDING ARTICLE II, SECTION 16 “REMOVAL AND SUSPENSION”; BY AMENDING ARTICLE III, SECTION 33 “QUALIFICATIONS”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article II of the Charter is hereby amended by amending Section 14 “Appointment of city manager” by deleting the ~~stricken-thru~~ language and by inserting the new _ language to read as follows:

Sec. 14. Appointment of city manager.

The city commission shall appoint an officer of the city, who shall have the title of city manager, and ~~he~~ the city manager shall have the powers and perform the duties provided in this Charter and such other duties designated by the city commission. No city commissioner shall receive such appointment during the term for which ~~he~~ the city commissioner shall have been elected or appointed, nor within one year after the expiration of ~~his~~ such term.

Section 2. Article II of the Charter is hereby amended by amending Section 15 “Compensation” by deleting the stricken-thru language and by inserting the new underlined language to read as follows:

Sec. 15. Compensation.

The city manager shall receive a compensation for ~~his~~ their services to be fixed by the city commission.

Section 3. Article II of the Charter is hereby amended by amending Section 16 “Removal and suspension” by deleting the stricken-thru language and by inserting the new underlined language to read as follows:

Sec. 16. Removal and suspension.

The city manager shall be removable by the city commission, but if removed at any time after having served six months, ~~he~~ the city manager may demand written charges and a public hearing upon the same by the city commission. Such charges shall be approved at a public meeting by majority vote of the commission. The public hearing shall take place seven days after the meeting at which said charges are approved. The city manager's final removal shall not take effect until such hearing has been had, but the commission may suspend ~~him~~ the city manager from office at any time and appoint an interim city manager pending the preparation of written charges or the public hearing thereon.

Section 4. Article III of the Charter is hereby amended by amending Section 33 “Qualifications” by deleting the stricken-thru language and by inserting the new underlined language to read as follows:

Sec. 33. Qualifications.

The city manager shall be chosen by the city commission solely on the basis of ~~his or her~~ their executive and administrative qualifications, with special reference to ~~his or her~~ their actual experience in, or ~~his or her~~ knowledge of, accepted practice in respect to the duties of ~~his or her~~ the city manager's office as hereinafter set forth. At the time of ~~his or her~~ their appointment, ~~he or she~~ the city manager need not be a resident of the city or state, but within one year of appointment, ~~he or she~~ the city manager shall become a resident within the corporate limits of DeLand.

Section 5. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand’s Charter to Provide Gender Neutral Reference to City Manager

Shall DeLand’s charter be amended to change references to the city manager and city commissioners from masculine to gender neutral to reflect the fact that both men and women can hold such positions?

YES _____

NO _____

Section 6. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary

and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 7. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article” or other appropriate word.

Section 8. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 9. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 10. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 11. Effective Date. Sections 1 through 4 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE III, SECTION 34 “POWERS AND DUTIES”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article III of the Charter is hereby amended by amending Section 34 “Powers and duties” by deleting the ~~stricken thru~~ language and by inserting the new underlined language to read as follows:

Sec. 34. Powers and duties.

The city manager shall ~~be the chief administrative officer~~ serve as the City’s Chief Executive Officer and head of the administrative branch of the city government. ~~The city manager except as herein provided. He shall be responsible to the city commission for the proper administration of all affairs of the city, the professional management of the city and providing leadership to carry out the policies and procedures as established by the City Commission, and to that end he shall have power and shall be required to:~~

- (1) Execute the laws and administer the government of the city.
- (2) Appoint upon the basis of ability and competence and may remove all officers and employees of the city for cause, except as otherwise provided by this Charter, and except as he may authorize the head of a department or office to appoint subordinates in such department or office.
- (3) Prepare the budget annually and submit it to the city commission, and be responsible for its administration after adoption.

- (4) Attend all meetings of the city commission and of its committees, with the right to take part in the discussion of matters affecting the city, but without having a vote.
- (5) Recommend to the city commission for adoption such measures as he may deem necessary or expedient in the interest of the city.
- (6) Be the purchasing agent for the city and as such make all purchases of supplies and shall approve all vouchers for payment of same, except the city manager may delegate this power pursuant to Section 62 of this Charter.
- (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and, upon knowledge of any violation thereof, it is mandatory that he shall report the same to the city attorney, whose duty it shall be without further authority to take such legal steps as he may deem necessary to enforce the same.
- (8) Prepare and submit to the city commission as of the end of the fiscal year a complete report on the finances and administrative activities of the city for the preceding year.
- (9) Keep the city commission advised of the financial condition and future needs of the city, and make such recommendations as may seem to him desirable.
- (10) Accept by all courts service of civil process on the city.
- (11) Perform such other duties as may be prescribed by this Charter or required of him by the city commission, not inconsistent herewith.

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand's Charter to Clarify the Role of the City Manager

Shall DeLand's charter be amended to identify the city manager as the city's chief executive officer and clarify that the city manager is responsible for carrying out the policies and procedures established by the city commission?

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word “Ordinance,” or similar words, may be changed to “Section,” “Article” or other appropriate word.

Section 5. Scrivener’s Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this ____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE IV, SECTION 39 “CITY CLERK-AUDITOR; DUTIES”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article IV of the Charter is hereby amended by amending Section 39 “City clerk-auditor; duties” by inserting the new underlined language to read as follows:

Sec. 39. City clerk-auditor; duties.

There shall be a city clerk-auditor who shall be appointed by and serve at the pleasure of the city commissioners. The city clerk-auditor shall receive a salary to be fixed by the city commission.

The city clerk-auditor shall give notice of the meetings of the city commission, shall keep the minutes of its proceedings, shall be the custodian of the city seal, shall authenticate by signature and record and keep for that purpose all ordinances and resolutions passed by the city commission, and shall perform such other duties as may be assigned by the city commission. The city clerk-auditor shall also countersign all contracts made on behalf of the city. No contract made on behalf of the city or to which the city is a party shall be valid unless countersigned by the city clerk-auditor. The city clerk-auditor or the designee of the city clerk-auditor, shall also have the power to administer oaths.

The city clerk-auditor shall perform internal auditing on the financial records of the city and is directly accountable to the city commission as the representative of the legislative branch of government.

The city clerk-auditor shall perform such other duties as may be assigned by the city commission.

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand's Charter to Provide the City Clerk-Auditor the Authority to Designate Alternate Officials to Administer Oaths

Shall DeLand's charter be amended to provide the city clerk-auditor the authority to designate other officials to administer oaths?

YES_____

NO_____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article" or other appropriate word.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE IV, SECTION 40 “CITY FINANCE DIRECTOR; APPOINTMENT, COMPENSATION, DUTIES”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article IV of the Charter is hereby amended by amending Section 40 “City finance director; appointment, compensation, duties” by deleting the ~~stricken thru~~ language and by inserting the new underlined language to read as follows:

Sec. 40. City finance director; appointment, compensation, duties.

There shall be a city finance director who shall be appointed by and shall be under the direction and supervision of the city manager. The finance director shall receive a salary to be fixed by the city ~~commission~~ manager.

The finance director shall be responsible for the collection, receipt and accounting for all funds of any kind due to the city and shall be custodian of such funds. The finance director shall be responsible for keeping a separate account of each fund or appropriation and of the debits and credits pertaining thereto. The finance director shall be responsible for the preparation of receipts in duplicate for all monies received by the city, delivering one copy of the receipt to the person paying in the money and retaining the other for accounting purposes. All funds of the city shall be deposited by the finance director in such banks or depositories as may be directed from time to time by the city commission and may be withdrawn and disbursed from time to time in such manner as may be provided by resolution or approved motion of the city commission. All monies due as interest upon investments or deposits shall be collected under direction of the finance director and placed to the credit of the general fund of the city unless designated to some

other city fund by the city commission. The finance director shall be responsible for the safekeeping of any and all bonds and securities taken for investments and deposits.

The finance director shall be responsible for the disbursement of any city funds. All disbursements except those from petty cash funds and those for certain bonds and interest bearing coupons will be made by check drawn on city bank, depository accounts, or electronic payment. All checks will be signed by the finance director and in the finance director's absence by the finance director's designee and countersigned by the city manager and in his absence by his designee. A receipt shall be obtained and properly filed for each disbursement of cash from the petty cash fund. Certain bonds and interest-bearing coupons which, when due, may as provided by ordinance or resolution be paid on presentation to a bank or depository holding funds of the city for payment of such items and in case the same are payable in some place other than the City of DeLand, then the money for their redemption shall be sent to the place of payment.

The finance director shall be responsible for keeping an accurate account of all assessments and taxes, of all monies due to, and of all receipts and disbursements by the municipality; of all its assets and liabilities and of all appropriations made by the city commission. The finance director shall submit to the city commission once each quarter a complete and comprehensive report covering the last preceding ~~month~~ quarter of the receipts and expenditures and of the financial condition of the city. The finance director shall recommend such action from time to time to the city commission through the city manager as will insure the punctual payment of principal and interest of any and all bonds and all other obligations of the city. The finance director shall furnish the city manager at any time such reports, data, and information as may be necessary to fully inform the latter as to the financial affairs of the city, furnishing him such estimates of the expenses of the government as may be necessary to form the basis for the annual budget and to determine the revenue necessary to be raised each year.

The finance director shall prescribe and require except as there may be prescribed by law, the use of plain and uniform systems of books of accounts by all city departments, offices or employees who are charged with the receipt or disbursement of any of the funds of the city, or who may be authorized to purchase materials and supplies or to employ labor for the city. The finance director shall prescribe the forms or vouchers or other evidence of receipts of money from the city or the establishment of demands against the city, and may require reports from each department, office, officer or employee of the city receiving or disbursing funds of the city showing all sums received and disbursed, from what source, and for what purpose, making such records available to the city clerk-auditor for internal auditing, provided that at the close of each fiscal year the city commission shall have the books of the city audited by a certified public accountant.

The finance director in addition to his enumerated duties above shall perform such other duties as may be assigned to ~~him~~ the finance director from time to time by the city manager.

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand's Charter to Require the City Manager to set the Finance Director's Salary and to Clarify Language Relating to Quarterly Expenditures Reports

Shall DeLand's charter be amended to provide that the city manager shall be responsible for setting the city finance director's salary and to clarify that quarterly expenditure reports to the city commission shall cover all expenditures for the preceding quarter.

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article" or other appropriate word.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE V, SECTION 44 “FIRE DEPARTMENT”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article V of the Charter is hereby amended by amending Section 44 “Fire department” by deleting the ~~stricken-thru~~ language and by inserting the new underlined language to read as follows:

Sec. 40. Fire department.

The city shall provide fire services which shall consist of a fire chief and such number of ~~firemen~~ firefighters as the city commission may determine. The fire chief shall be the head of the fire department. ~~He~~ The fire chief shall be appointed by the city manager. The fire chief shall be under the direction and supervision of the city manager. ~~He~~ The fire chief and the ~~firemen~~ firefighters shall receive a salary to be fixed by the city commission, and shall have authority to enforce all city ordinances relating to the prevention and extinguishment of fires and the protection of life and property within the limits of the city, and to execute all papers and process of the city or its authorities relating thereto, and to perform such other duties as may be lawfully required of them. Nothing in this section shall preclude the city from contracting for fire services with another governmental jurisdiction or independently created fire district.

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand’s Charter to Change References to Fire Chief and Firefighters

Shall DeLand's charter be amended to refer to the fire chief and firefighters without respect to gender in order to recognize both men and women can occupy the position as fire chief and that both women and men currently serve the City as firefighters?

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article" or other appropriate word.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE VI, SECTION 51 “CITY ATTORNEY; ASSISTANT CITY ATTORNEY; APPOINTMENT AND QUALIFICATIONS”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article VI of the Charter is hereby amended by amending Section 51 “City attorney; assistant city attorney; appointment and qualifications” by deleting the ~~stricken thru~~ language and by inserting the new underlined language to read as follows:

Sec. 51. City attorney; assistant city attorney; appointment and qualifications.

The city commission shall appoint a city attorney who shall act as the legal advisor to, and attorney and counselor for, the city and all of its officers in matters relating to their official duties. ~~He~~ The city attorney 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~~ The city attorney shall furnish the city commission, the city manager and the head of any department, ~~his~~ their opinion on any question of law relating to their respective powers and duties. In addition to the duties specifically imposed under this Charter, ~~he~~ the city attorney shall perform such other professional duties as may be required of ~~him~~ the city attorney by ordinance or resolution of the city commission, or as are prescribed for city attorneys under the general laws of the state, which are not inconsistent with this Charter. The city attorney shall be a lawyer admitted in and having authority to practice in all courts of the state. At such time as the city commission shall determine that ~~his~~ city attorney services are needed, the city commission may appoint an assistant city attorney, whose powers and duties shall be the same as the city attorney. The city commission may also preapprove a list of attorneys meeting the same qualifications as required for city attorney who may be specifically

designated acting/assistant city attorney by the city attorney to fulfill the city attorney's duties when the city attorney is unavailable or needs assistance.

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand's Charter to Provide Gender Neutral Reference to City Attorney

Shall DeLand's charter be amended to change references to the city attorney from masculine to gender neutral to reflect that both men and women can serve as the city attorney?

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article" or other appropriate word.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE VII, SECTION 58 “BUDGET ESTABLISHES APPROPRIATIONS”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article VII of the Charter is hereby amended by amending Section 58 “Budget establishes appropriations” by deleting the ~~stricken-thru~~ language and by inserting the new underlined language to read as follows:

Sec. 58. Budget establishes appropriations.

Notwithstanding any other provisions of this Charter, the city manager shall have the authority to transfer part or all of any unencumbered appropriation balance among programs either within or between departments within the same fund. ~~funds during the fiscal year to another department budget within the same fund so long as the cumulative funds transferred out of any department budget during the fiscal year do not exceed five percent of that department's budget.~~ Such transfers shall not require approval by the City Commission; however, at the end of the fiscal year the City manger [manager] shall report such transfers to the City Commission.

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

**Amendment to DeLand’s Charter to Remove Restrictions on Budget
Transfers Between Departments within the Same Fund**

Shall DeLand's charter be amended to remove the five percent limitation on transferring unencumbered funds between department budgets in order to allow budgeted funds to be spent to address the city's most critical needs?

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article" or other appropriate word.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED this _____ day of _____, 2024.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney

ORDINANCE NO. 2024-

AN ORDINANCE OF THE CITY COMMISSION OF DELAND, FLORIDA, AMENDING THE CHARTER OF THE CITY OF DELAND, BY AMENDING ARTICLE VIII, SECTION 64 “TEMPORARY BORROWING”; PROVIDING FOR APPROVAL BY VOTERS AT REFERENDUM; PROVIDING FOR IMPLEMENTING ADMINISTRATIVE ACTIONS, CONFLICTS, SEVERABILITY, CODIFICATION, THE CORRECTION OF SCRIVENER'S ERRORS AND AN EFFECTIVE DATE.

WHEREAS, Pursuant to Section 159 of the Charter, at least once every ten years, the City Commission shall appoint a Charter Review Committee to study and recommend changes to the Charter; and

WHEREAS, on January 17, 2024, the City Commission appointed a Charter Review Committee to review and recommend changes to the Charter; and

WHEREAS, the Charter Review Committee recommended certain changes to the Charter, and based upon the recommendations of the Charter Review Committee, the City Commission hereby makes the following proposed changes to the City’s Charter, subject to and expressly conditioned upon approval by referendum of the voters of the City of DeLand.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELAND AS FOLLOWS:

Section 1. Article VIII of the Charter is hereby amended by amending Section 64 “Temporary borrowing” by deleting the ~~stricken thru~~ language and by inserting the new underlined language to read as follows:

Sec. 64. Temporary borrowing.

When deemed necessary, the city commission may by ordinance authorize the issuance of certificates of indebtedness or notes in anticipation of the collection of taxes or of special assessments, provided that the amount of such obligations, except as to special assessments, shall at no time exceed one-half (0.5) percent of the assessed value of taxable property in the city, according to the last assessment roll preceding the loan. These obligations shall be first liens upon the proceeds of such taxes or assessments, and shall mature within 120 days after such taxes or assessments are collectible. ~~In addition, the city commission shall have the authority to borrow funds from recognized banking institutions for periods up to five years. This borrowing power shall be limited to capital expenditures for equipment or programs which can reasonably be amortized over a short period of time. Such short term notes may be secured by a collateral mortgage on the equipment purchased. The amount of these obligations shall at no time exceed one-half (0.5) percent of the assessed value of taxable property in the city according to the last assessment roll preceding the loan. It is the intent and purpose of this provision to limit the total collective short term obligations of said city to one percent of the assessed value of taxable property~~

~~in the city. This limitation shall have no effect on general obligation bonds, revenue bonds, or excise tax bonds, which shall be approved in a manner and amount provided by law.~~

Section 2. A Referendum Election of the registered electors residing within the corporate limits of the City of DeLand is hereby called to be held on August 20, 2024, to consider and vote on the following question:

Amendment to DeLand's Charter to

Shall DeLand's charter be amended to delete the provision for short term borrowing and related limitations since the city has that ability pursuant to other provisions of law?

YES _____

NO _____

Section 3. Implementing Administrative Actions. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to take such actions as they may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

Section 4. Codification. Section 1 of this Ordinance shall be codified in the Charter of the City of Oviedo, Florida upon approval of the voters by referendum, and all other sections shall not be codified. The Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention and the word "Ordinance," or similar words, may be changed to "Section," "Article" or other appropriate word.

Section 5. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 6. Conflicts. All ordinances or part of ordinances in conflict with this Ordinance are, to the extent of the conflict hereby repealed.

Section 7. Severability. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding shall in no way affect the validity of the remaining portions of this Ordinance.

Section 8. Effective Date. Section 1 of this Ordinance shall become effective upon approval by voters at referendum and all other sections shall become effective immediately upon adoption.

Christopher M. Cloudman
Mayor – Commissioner

ATTEST:

Julie A. Hennessy
City Clerk - Auditor

Passed on first reading:
Adopted on second reading:

APPROVED AS TO FORM AND LEGALITY:

Darren J. Elkind
City Attorney