

**ORDINANCE NO. 2008-04**

**AN ORDINANCE OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY FLORIDA; CALLING AND SCHEDULING A ELECTION UPON AMENDMENTS TO THE CHARTER OF THE TOWN; PROVIDING FOR THE MANNER IN WHICH SUCH ELECTION SHALL BE CONDUCTED; ESTABLISHING THE FORM OF THE BALLOT FOR SUCH ELECTION; PROVIDING FOR THE AVAILABILITY OF COPIES OF THE PROPOSED AMENDMENTS TO THE TOWN CHARTER; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes, 101.161 provides for the procedures to submit a public measure to a vote of the electors of a municipality; and

**WHEREAS**, The Town Council has recommend that certain amendments be made to the Town Charter which amendments appear as Exhibit A to this Ordinance; and

**WHEREAS**, The TOWN Council desires to submit the said amendments to the Charter for ratification by the electors of the Town as two (2) separate ballot questions.

**NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA**, as follows:

**Section 1.** A referendum election is hereby called and scheduled to be held concurrent with the general election on the 4th day of November, 2008, to determine whether the amendments to the Charter appearing in Exhibit A shall be approved by a majority of the votes cast in such election in which the qualified electors residing in the Town shall participate. Such referendum election shall be held and conducted in a manner prescribed by law for all general elections. The place for voting in such referendum election shall be the usual place for voting in the Town in the general election to be held on the 4<sup>th</sup> day of November, 2008.

The polls shall be open at such voting place on the day of such referendum election during the hours specified by the general laws of the State of Florida. All duly qualified electors residing within the Town shall be entitled to participate in and vote at such referendum election.

**Section 2.** The ballots to be used at such referendum election shall contain a statement of the proposed subject matter of the amendments to the Charter and shall provide facilities for qualified electors to vote for or against such Charter Amendments in two (2) separate ballot questions. Said ballots shall be in substantially the following form:

**Ballot**  
**Town of Grant-Valkaria, Florida**

**Question 1. Effective date for ordinances adopted by the Town Council**

Shall Article II, section 2.11 (c) of the Charter be amended to change the effective date of ordinances adopted by the Council from 30 days after adoption to a date as specified in the newly adopted ordinance?

\_\_\_ Yes

\_\_\_ No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

**Question 2. Emergency appropriations**

Shall Article V, section 5.09 of the Charter be amended to change the renewal and refinancing options for emergency appropriations to eliminate annual refinancing requirements and refinancing costs?

\_\_\_ Yes

\_\_\_ No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

**Section 3.** The Town Clerk is hereby authorized and directed to instruct the Supervisor of Elections of Brevard County to include the above-described questions on the ballot for the general election to be held on the 4<sup>th</sup> day of November, 2008.

**Section 4.** Notice of the said referendum election in substantially the form showing in Exhibit B to this Ordinance shall be published two times in a newspaper of general circulation according to the laws of the State of Florida. The first publication shall be during the fifth week prior to the week in which the referendum election is to be held and the second publication shall be during the third week prior to the week in which the referendum election is to be held. A minimum of five copies of this Ordinance shall be kept on file in the office of the Town Clerk for public inspection upon demand during normal business hours.

**Section 5.** If the amendments to the TOWN Charter described in Questions No. 1 and 2 hereinabove are approved by the electors of the Town, such amendments shall take effect with the general election of the Town scheduled in November, 2008.

**Section 6.** This Ordinance shall take effect at the expiration of 30 days after adoption.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GRANT-VALKARIA, BREVARD COUNTY, FLORIDA, ON THIS 9th DAY OF July, 2008.

(signature on file)

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Del Yonts, MAYOR

ATTEST:

(signature on file)

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SUSANNE R. KRUEGER,  
TOWN CLERK

1ST READING: June 25, 2008

2ND READING: July 9, 2008

Approved as to form and content:

(signature on file)

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Karl W. Bohne, Jr., Town Attorney

**EXHIBIT A**

**Town of Grant-Valkaria Language of Proposed Charter Changes**

(In all cases, words crossed out with ~~strike through~~ are to be deleted and words underlined are to be added.)

**REFERENDUM QUESTION 1.**

1. Article II, section 2.11 (c) of the Town Charter is proposed to be amended as follows:

**Article II Town council; mayor; vice mayor; ordinances; eminent domain**

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**2.11 Ordinances in General**

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(c) Except as otherwise provided in this charter, every adopted ordinance shall become effective ~~at the expiration of 30 days after adoption or at any later~~ on the date specified therein.

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**REFERENDUM QUESTION 2.**

1. Article V, section 5.09 of the Town Charter is proposed to be amended as follows:

**Article V Finances**

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**5.09 Emergency Appropriations**

To address a public emergency affecting life, health, property, or the public peace, the town council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of article 2. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the town council may by such emergency ordinance authorize the issuance of emergency notes, ~~which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid or refinanced as long term debt not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.~~ Such emergency notes may be renewed and have financing options to eliminate annual refinancing requirements and refinancing costs.

Exhibit B  
NOTICE OF REFERENDUM ELECTION  
TOWN OF GRANT-VALKARIA, FLORIDA

Public notice is hereby given that on November 4th, 2008; the issue of whether the Town of GRANT-VALKARIA shall adopt amendments to the Town Charter will be submitted to the qualified electors of the Town of GRANT-VALKARIA and will appear on the same election ballot as a referendum on that date as two (2) separate ballot question.

The Town Council of the Town of GRANT-VALKARIA has adopted an ordinance calling the said election on the following question:

AS TO QUESTION 1.

The Charter provides that ordinances take effect 30 days after adoption. Such delay in the effective date has hindered the Town from conducting business in an expedient manner. Therefore, shall Article II, section 2.11 (c) of the Charter be amended to change the effective date of ordinances adopted by the Council from 30 days after adoption to a date as specified in the newly adopted ordinance?

AS TO QUESTION 2.

The Charter requires emergency appropriation notes be paid or refinanced by the last day of the fiscal year next succeeding the fiscal year of the appropriation. This prevents the Town from executing a multiple year note for such appropriation and causes additional expenses to the Town to renew or refinance the appropriation. Therefore, shall Article V, section 5.09 of the Charter be amended to change the renewal and refinancing options for emergency appropriations to eliminate annual refinancing requirements and refinancing costs?

The places of voting shall be the usual places of voting in the Town of GRANT-VALKARIA during the general election scheduled on November 4th, 2008 and the polls shall be open from 7:00 a.m. to 7:00 p.m. on the said date. All duly qualified electors residing within the Town of GRANT-VALKARIA shall be entitled to participate and vote in said referendum election.

The ballot containing the questions to be so submitted to the electors shall be in substantially the following form:

**Ballot**  
**Town of GRANT-VALKARIA, Florida**

**Question 1. Effective date for ordinances adopted by the Town Council**

Shall Article II, section 2.11 (c) of the Charter be amended to change the effective date of ordinances adopted by the Council from 30 days after adoption to a date as specified in the ordinance?

Yes  
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

**Question 2. Emergency appropriations**

Shall Article V, section 5.09 of the Charter be amended to change the renewal and refinancing options for emergency appropriations to eliminate annual refinancing requirements and refinancing costs?

Yes  
 No

Instruction to voters: If you are in favor of the adoption of the foregoing mark the space to the left of the word "YES". If you are not in favor of the adoption of the foregoing amendment, mark the space to the left of the word "NO".

For further information regarding this referendum election, contact the Town Clerk of the Town of GRANT-VALKARIA. A minimum of five copies of this Ordinance are on file at the office of the said Town Clerk at Town Hall, 5120 Highway US1, GRANT VALKARIA, Florida, 32949, and are available for inspection upon request during normal business hours.