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MEMORANDUM

TO: City Commission
FROM: Marie Hartman, City Attorney 
DATE: August 7, 2014
SUBJECT: Proposed Charter amendments – second reading

Attached please find updated documents for the Charter amendments:

- Summary – 2014 Charter revision/amendments for second reading
- Draft Ordinance for 2nd reading approving a revised City Charter and various specific amendments, with “Exhibit A, 2014 Charter Review – Revised Charter (for second reading)”

The following amendments were made at first reading and incorporated in the attachments:

- **City Auditor:** In Section 5 of the draft ordinance, responsibility for “legal and administrative” audits were added to the duties of the City Auditor, with a corresponding change in Ballot Question #5.
- **Initiative and Referendum:** Section 4 of the draft ordinance revising the Initiative and Referendum provisions was revised in accordance with Commission action on first reading (see handout from first reading). Charter amendment initiatives are dealt with in the revised Initiative and Referendum sections, and the proposed provision for Charter amendment initiatives in § 46 of Exhibit A has been deleted.

In addition, we noticed a discrepancy between the effective date provided in § 51 of the revised Charter (effective immediately upon voter approval) and the Ordinance passed on first reading (charter amendments effective January 1, 2015). The delayed effective date is in order to adjust the makeup of the Planning Board. To correct the discrepancy at second reading Section 7 of the Ordinance should delay only the Planning Board amendment effective date:

SECTION 7. Section 6 of this Ordinance [calling election and providing ballot questions] shall take effect immediately upon its adoption. **Sections 1, 3,4, and 5 shall each take effect immediately upon approval of each by the voters as provided in Section 6 above.** Section 2 [reducing Planning Board to seven members] shall each take effect on January 1, 2015, contingent upon approval by the voters as provided in Section 6 above.

The proposed amendments are divided into 5 separate amendments with a separate ballot question for each. The ballot questions are all set forth in Section 6 of the draft ordinance.

Ballot Question #1 corresponds to **Section 1 of the draft ordinance**, and the various revisions contained in Exhibit A, 2014 Charter Review – Revised Charter (for second reading). **Please note Exhibit A does NOT incorporate the amendments addressed in Sections 2-5 of the draft ordinance and Ballot Questions 2-5** because they are being voted on separately.

Ballot Question #2 corresponds to **Section 2 of the draft ordinance**. This proposes to reduce the size of the Planning Board from 11 members to 7, with at least one resident appointed from each commission zone.

Ballot Question #3 corresponds to **Section 3 of the draft ordinance**. This proposes to require the Mayor to give an annual State of the City address in January.

Ballot Question #4 corresponds to **Section 4 of the draft ordinance**. This proposes to change the overall number of signatures required on initiative and referendum petitions to adopt, repeal, or reject ordinances or other measures from 20% of registered City voters to 10% of registered City voters.

Ballot Question #5 corresponds to **Section 5 of the draft ordinance**. This proposes to create a new position of City Auditor to be hired by the City Commission and serve at the pleasure of the Commission. If hired by the City Commission, the City Auditor would be the head of the Internal Audit department of the City and be responsible for “financial, fiscal compliance, financial procedure, legal, and administrative audits of all city departments, offices, agencies, and programs.” The City Auditor would be required to submit an annual audit plan to the City Commission for approval.

copy: City Manager
City Clerk

Sec. 1 of Ordinance No. 14-_____, Ballot Question #1:

Adopting City Charter as revised.

Throughout

CHANGE the designation and maximum penalty for violation of a City Charter provision to be consistent with state law – the City cannot declare a charter or ordinance violation to be a “misdemeanor” and the maximum penalty authorized by state law for municipal law violations is a \$500 fine and 60 days imprisonment.

CHANGE obsolete references from “act” to “charter” (the charter was formerly enacted by the state legislature as a “Special Act”).

§§ 4-5. General Powers of City.

DELETE the listing of certain specific powers of City as obsolete. In 1968, the state constitution was revised and granted cities all powers necessary to govern. State general laws provide the same.

§ 9. Vacancies on commission or in office of mayor.

CLARIFY method for filling a vacancy on the commission to provide that if the vacancy occurs “12 months or more” before a general election, a special election will be called.

ADD that a vacancy due to the state “resign-to-run” law will be filled in the general election.

§ 12 City Commission meetings.

Correct typographical error.

§ 15 Powers of City Commission.

ADD “nor shall any member of the city commission interfere in the competitive selection process for city purchases or contracts.”

FORMAT change by designating paragraphs (a) and (b)

§ 16 Powers and duties of mayor, vice mayor.

ADD to provision concerning vice mayor rotation, “however, if the commissioner of zone 1 has not previously held office, the rotation shall start with the commissioner of zone 2 and end with the commissioner of zone 1.”

FORMAT change by designating paragraphs (a) and (b)

§ 28. Powers and duties of City Manager.

CLARIFY that City Manager supervises all “administrative” departments of the City (and police and fire in accordance with this section and § 31).

Article VII. City Attorney.

FORMAT change by creating a new article entitled “City Attorney” to parallel provisions for City Manager, and move all City Attorney provisions to the new article. Subsequent articles and sections are renumbered accordingly.

§ 29. City attorney, initial appointment and annual evaluation, etc.; absence or disability.

CLARIFY and provide for the City Attorney in format and substance similar to the City Manager; clarify that the City Attorney works directly for the City Commission and acts as head of the Legal Department.

ADD a provision relating to absence or disability of the City Attorney.

DELETE prohibition against the City Attorney also serving as attorney for any other municipality or taxing agency.

§ 30. Powers and duties of the City Attorney.

CLARIFY that contract approval is as to “form, authority, and proper execution.”

CLARIFY that outside counsel may be retained as authorized by the city commission.

§ 31. Administrative Offices and departments generally.

ADD “Administrative” to the section title and body for clarification and consistency with the title of the Article. (Art. VIII is titled “Administrative Departments and Procedures”).

§ 32. City Clerk.

ADD to (c) for clarification and consistency: “Custodian of city seal and records.”

§ 38. Public Records relating to budget.

ADD that budget and capital program records be available “and as required by general law.” (State law requires that the budget be available on the internet).

§ 39. Independent Audit.

DELETE provisions regarding auditor selection because they conflict with current state law.

ADD that the commission “shall select an auditor in a manner consistent with state law.”

§§ 41-42. Initiative and referendum.

DELETE obsolete language.

ADD references to Supervisor of Elections because current state laws shift all responsibility for voter registration and maintenance of voter rolls to SOE.

CHANGE the responsibility for preparation of the ballot title from the petitioners to the city commission (consistent with Florida case law).

§ 43. Beach.

DELETE the entire section. (The beach is controlled by Volusia County).

§ 45. Codification.

DELETE obsolete text.

§ 46. Citizen Charter review commission.

CLARIFY that the CRC will conduct a “complete” review of the charter at least every 10 years.

§ 47.5 Transition provisions.

DELETE entire section (obsolete).

§ 49. Existing officers, etc.

DELETE obsolete reference to “debt service commission”.

Sec. 2 of Ordinance No. 14- , Ballot Question #2:

Reducing the Planning Board to seven members.

§ 6. Planning and Zoning Powers.

CHANGE the Planning Board from 11 members to 7 members, with at least one member from each commission zone.

Sec. 3 of Ordinance No. 14 , Ballot Question #3:

Mayor’s State of City address.

§ 16. Powers and duties of mayor, vice mayor.

ADD that the mayor shall present an annual “State of the City” address in the month of January.”

Sec. 4 of Ordinance No. 14- , Ballot Question #4:

Initiative and referendum petitions.

§§ 40-41 / 41-42. Initiative and referendum.

DELETE requirement for affidavit of circulator of initiative petitions; requirement for minimum number of signatures per zone; submittal of petitions to city clerk for certification.

CHANGE the number of signatures required on a petition from 20% to 10% of registered city voters; require petitions be presented to and signatures certified by Supervisor of Elections; requiring petition form, content, certification, and verification to comply with the Florida Election Code and administrative rules for verification of signatures by the Supervisor of Elections; and requiring petitions to include the name and address of one or more registered City voters who will be officially regarded as filing the petition.

Sec. 5 of Ordinance No. 14- , Ballot Question #5:

City Auditor.

ADD a new Article VIII creating the position of City Auditor and establishing duties and responsibilities of position. The new Article provides that the City Commission may appoint an experienced CPA as City Auditor who will report directly to the City Commission. If appointed, the City Auditor would be “charged with conducting financial, fiscal compliance, financial procedure, legal, and administrative audits of all city departments, offices, agencies, and programs,” and would act as the head of the internal audit department. The City Auditor would be required to submit an annual audit plan to the City Commission, conduct special audits and investigations as directed by the City Commission, adhere to professional standards, and attend all City Commission meetings.

ORDINANCE NO. 14-

AN ORDINANCE APPROVING A REVISED CITY CHARTER, SUB-PART A, IN ITS ENTIRETY; AMENDING THE CHARTER, OR CHARTER AS REVISED, TO REDUCE THE PLANNING BOARD FROM ELEVEN MEMBERS TO SEVEN; AMENDING THE CHARTER, OR CHARTER AS REVISED, TO REQUIRE THE MAYOR TO DELIVER AN ANNUAL STATE OF THE CITY ADDRESS; AMENDING THE CHARTER, OR CHARTER AS REVISED, TO REDUCE THE NUMBER OF SIGNATURES REQUIRED ON AN INITIATIVE PETITION TO ONLY 10% OF REGISTERED CITY VOTERS AND AMEND REQUIREMENTS FOR FORM AND CONTENT OF PETITIONS AND VERIFICATION OF SIGNATURES; AMENDING THE CHARTER, OR CHARTER AS REVISED, TO PROVIDE FOR A CITY AUDITOR APPOINTED BY AND REPORTING TO THE CITY COMMISSION; PROVIDING FOR THE REVISED CHARTER AND AMENDMENTS APPROVED HEREIN TO BE SUBMITTED TO THE VOTERS AT THE NEXT GENERAL ELECTION ON NOVEMBER 4, 2014; PROVIDING WHEN THE PROVISIONS OF THIS ORDINANCE SHALL TAKE EFFECT.

WHEREAS, pursuant to § 46 of the City Charter, the City Commission appointed a Charter Review Commission to conduct a complete review of the existing City Charter, hold public meetings, and make recommendations to the City Commission concerning revisions or amendments; and

WHEREAS, the Charter Review Commission began meeting in January 2014 and presented its final report to the City Commission on June 18, 2014; and

WHEREAS, the City Commission has considered the report and recommendations of the Charter Review Commission.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF DAYTONA BEACH, FLORIDA:

SECTION 1. City Charter, Sub-Part A, is hereby amended in its entirety as fully set forth in the attached Exhibit A, 2014 Charter Review – Revised Charter, with ~~strikeout~~ indicating deleted text, underline indicating added text.

SECTION 2. Section 6 of the City Charter, Sub-Part A, or of the Charter as revised in accordance with Section 1 of this Ordinance, is hereby amended to change the Planning Board from eleven members to seven members, as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 6. Planning and zoning powers.

~~(a) Planning board and board of adjustment.~~

(a) There shall be a planning board consisting of ~~eleven~~ seven members appointed by the commission for terms of four years from among the qualified electors of the city. At least one member ~~but no more than two (2) members~~ shall reside in ~~any one~~ each zone as defined in section 2 hereof. The commission may provide for staggered terms for the members of the board. Members of the board shall hold no other city office. The board shall advise the city manager and the commission on all planning and zoning matters and shall exercise all other responsibilities as may be provided by law.

(b) The commission shall by ordinance establish a board of adjustment and shall provide standards and procedures for such board to hear and determine appeals from administrative decisions, applications for variances in cases involving hardship and such other matters as may be required by the commission or by law.

SECTION 3. Section 16 of the City Charter, Sub-Part A, or of the Charter as revised is accordance with Section 1 of this Ordinance, is hereby amended to add to the Mayor's duties, as the second sentence of Section 16, the following [underline indicates added text]:

The mayor shall present an annual "State of the City" address in the month of January.

SECTION 4. Sections 40 and 41 of the City Charter, Sub-Part A, or Sections 41 and 42 of the Charter as revised in accordance with Section 1 of this Ordinance, are hereby amended to reduce the number of signatures which must be appended to initiative and

referendum petitions proposing to amend the charter or to adopt, repeal, or reject ordinances or other measures to 10% of registered city voters only, and amending the requirements for form and content of petitions and verification of signatures consistent with state law, as follows [~~strikeout~~ indicates deleted text, underline indicates added text]:

Sec. 40, City Charter / Sec. 41 of the Charter as revised:

The initiative.

(1) *Power to initiate ordinances ~~and acts~~*. The qualified electors of the city shall have the power at their option to propose ordinances, including ordinances granting franchises or privileges, but not including the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees, and to adopt the same at the polls, such power being known as the initiative. The people shall also have similar power to propose Charter changes, and such other municipal legislation as would ordinarily be proper for enactment by the state legislature as a special or local law pertaining to the City of Daytona Beach, in the event the constitution of the State of Florida shall be amended to provide for such procedure by granting home rule for Volusia County and its municipalities. A petition meeting the requirements hereinafter provided, and requesting the commission to pass an ordinance or other legislation, therein set forth or designated, shall be termed an initiative petition and shall be acted upon as hereinafter provided.

(2) *Preparation of initiative petitions.* Signatures to initiative petitions need not all be on one paper, ~~but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:~~

COUNTY OF VOLUSIA)	
STATE OF FLORIDA)	SS

~~_____ being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto, were made in his/her presence and are the signatures of the persons whose names they purport to be.~~

~~(Signed) _____
Subscribed and sworn to before me this _____ day of _____, A. D., _____.~~

Notary Public

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place and any

other information required by the Supervisor of Elections for verification of signatures. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least ~~five (5)~~ one registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the ~~city clerk as one instrument~~ Supervisor of Elections for verification of signatures, and the form and content of petitions shall be in accordance with the applicable provisions of the Florida Election Code and administrative rules for verification of signatures by the Supervisor of Elections.

(3) *Filing of Petitions.* ~~Within five (5) business days after the filing of the initiative petition, the clerk~~ The Supervisor of Elections shall ascertain by examination the number of registered voters whose signatures are appended thereto and whether this number is at least ~~twenty (20)~~ ten (10) percent of the total number of registered voters of the city and at least ~~five (5)~~ percent of the total number of registered voters of each zone of the city, as shown by the registration books, and shall attach to said petition a certificate showing the result of the examination. If, by the clerk's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended once within ~~ten (10)~~ ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The clerk shall within five (5) business days after the amendment make examination of the amended petition, and if the certificate shall show the same to be insufficient the clerk shall file the petition and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

(4) *Submission of petition to commission.* ~~If the petition shall be found to be sufficient, the clerk shall so certify and submit the proposed measure to the commission at its next meeting. Upon receiving the proposed measure the commission shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with it.~~

(5) *Election of initiated measures.* ~~If the commission shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall be submitted by the commission to the vote of the electors at the next city general election held in the city, occurring not less than forty (40) days after the date of the final action by the commission, and if no election is to be held within six (6) months from such date, then the commission shall call a special election to be held not less than forty (40) days nor more than fifty (50) days from such date. When submitted, the measure shall be in its original form.~~

(6) *Initiative ballots.* The ballots used when voting upon a proposed measure shall state the substance thereof, and below it the two (2) propositions "for the measure" and "against the measure", or such other descriptive words as the

commission shall direct, so arranged upon the voting machines that the voter may vote for or against the proposed measure. When a measure proposed by initiative petition is passed by the commission, but not in its original form, and is to be submitted to a vote of the electors, the measure as passed by the commission shall not take effect until after such vote and, if the measure so submitted be approved by a majority of electors voting thereon, it shall thereupon become an ordinance or law of the city and the measure as passed by the commission shall be deemed repealed. If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or law of the city. The following title shall be substantially the form of the ballot:

TITLE OF MEASURE WITH GENERAL STATEMENT OF SUBSTANCE THEREOF.

For the measure (or other appropriate words)

Against the measure (or other appropriate words)

(7) *Number of measures to be initiated.* Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter.

(8) *Conflict on referred measures.* If two (2) or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

(9) *Conflict with state law.* In the event of any conflict between this section and the state constitution or general laws, the state constitution and general laws shall prevail.

Sec. 41, City Charter / Sec. 42, City Charter as revised:

Referendum.

(1) *Power of referendum.* The qualified electors of the city shall have power at their option to approve or reject at the polls any measure passed by the commission except ordinances involving the budget, capital program, appropriations of money, levy of taxes and salaries of city officers or employees, or submitted by the commission to a vote of the electors, such power being known as the referendum, which power shall be invoked and exercised as herein provided. Measures submitted to the commission by initiative petition and passed by the commission without change, or passed in an amendment form shall be subject to the referendum in the same manner as other measures. ~~In the event that the constitution of the State of Florida shall be amended to provide for home rule for the City of Daytona Beach, the procedure set forth in this section shall be followed where not in conflict with the provisions of said amendment, for any~~

~~measure which must by the terms of such home rule amendment, be submitted to the people.~~

(2) *Referendum petition.* If within ten (10) days after the final passage of any measure by the commission a petition signed by the registered voters of the city to the number of at least ~~twenty (20)~~ ten (10) percent of the total number of registered voters of the city ~~and at least five (5) percent of the total number of registered voters of each zone of the city,~~ as shown by the registration books, be filed with the ~~city clerk~~ Supervisor of Elections requesting that any such measure, or any section thereof, be repealed or be submitted to a vote of the electors, it shall not, except in the case of an emergency measure, become operative until the steps indicated herein have been taken.

(3) *Signature to petition.* The signatures thereto need not all be on one paper, ~~but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be.~~ With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place ~~and any other information required by the Supervisor of Elections for verification of signatures.~~ All such papers shall be filed in the office of the ~~city clerk as one instrument~~ Supervisor of Elections for verification of signatures. ~~The form and content of petitions shall be in accordance with the applicable provisions of the Florida Election Code and administrative rules for verification of signatures by the Supervisor of Elections.~~ A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought, but shall briefly describe the ordinance or part thereof sought to be repealed.

(4) *Certificate of petition.* ~~Within five (5) business days after the filing of the petition, the clerk~~ The Supervisor of Elections shall ascertain whether or not the petition is signed by registered voters of the city to the number of at least ~~twenty (20)~~ ten (10) percent, ~~and signed by registered voters of each zone of the city to the number of at least five (5) percent,~~ as shown by the registration books, ~~and shall attach to such petition a certificate showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate by the filing of supplementary petition papers with additional signatures. The clerk shall within ten (10) days after such amendment make like examination of the amended petition and certify the result thereof.~~

(5) *Reconsideration; election.* If the petition be found sufficient, the commission shall proceed to reconsider the measure or such section thereof as the petition shall specify. If upon reconsideration the measure, or part thereof, be not repealed or amended as demanded in the petition, the commission shall provide for submitting the same, by the method herein provided, to a vote of the electors, and the measure, or part thereof, shall thereupon be suspended from going into effect until the election and shall then be deemed repealed unless approved by a

majority of the qualified electors who participate in the election. Or the commission by a five-sevenths (5/7) vote of the commissioners elected may submit the measure or part thereof with like effect to the electors at the next general election held in the city or at a special election to be called by the commission, not less than forty (40) days after the receipt of the clerk's certificate. No special election of the City of Daytona Beach shall be held on a legal holiday which is named and fixed as such by the laws of Florida.

(6) *Title ballot.* The proposed measure shall be submitted by ballot title which may be distinct from the legal title of any such proposed measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure. The ballot title shall be prepared by the committee of the petitioners if for an initiative or a referendum measure or by ~~a committee of~~ the commission when submitted by the commission.

(7) *Form of ballot.* The ballot used when voting upon a proposed measure shall designate the same, and below it the two (2) propositions, "for the measure" and "against the measure."

(8) *Emergency measures.* Measures passed as emergency measures shall be subject to referendum like other measures, except that they shall not be suspended from going into effect while referendum proceedings are pending. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder, and all rights and privileges conferred by it shall be null and void; provided however, that such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote thereon.

(9) *Conflict on referred measures.* If two (2) or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

(10) Conflict with state law. In the event of any conflict between this section and the state constitution or general laws, the state constitution and general laws shall prevail.

SECTION 5. The City Charter, Sub-Part A, or the Charter as revised in accordance with Section 1 of this Ordinance, is hereby amended to create a new Article VIII creating the position and providing powers and duties of a City Auditor employed by and reporting to the City Commission, to read as follows:

ARTICLE VIII. CITY AUDITOR

Sec. __. City auditor, initial appointment and annual evaluation, etc.; absence or disability.

The city commission may appoint a city auditor who shall serve at the pleasure of the commission and who shall be charged with conducting financial, fiscal compliance, financial procedure, legal, and administrative audits of all city departments, offices, agencies, and programs. The city auditor shall act as the head of the internal audit department and shall be responsible for administration of the department, including the appointment, supervision, and removal of all personnel employed in the department. The compensation of the city auditor shall be fixed by the commission in sums commensurate with the duties imposed. The city auditor shall be a duly licensed certified public accountant and shall have been a practicing CPA for at least five years. The city commission may require the city auditor to reside within the city, but in the absence of a specific requirement, the city auditor need not reside within the city while serving in that capacity. The city auditor shall be subject to an annual evaluation by the city commission.

During the absence or disability of the city auditor, the city commission may by resolution appoint a qualified person to perform the duties of the city auditor until such absence or disability shall cease. The compensation to be paid the person appointed to perform the duties of the city auditor during such absence or disability shall be established by the city commission in the resolution of appointment.

Sec. __. Powers and duties generally.

The city auditor shall perform such professional duties as shall be required of him or her, including:

- (1) Submit an annual audit plan to the city commission for review and approval prior to the start of each fiscal year.
- (2) Conduct such special audits and investigations as directed by the city commission.
- (3) Exercise due professional care in carrying out the auditor's duties, and ensure that due professional care is employed to conduct an audit.
- (4) Adhere to generally accepted government auditing standards established by the Comptroller General of the United States to conduct the auditor's work and be independent as defined by the standards.

(5) Attend regular meetings of the commission, and such other meetings as may be required, upon reasonable notice given.

Upon insertion of this new Article VIII into the City Charter, the existing Article VIII and subsequent articles, and these new sections and subsequent sections, shall be numbered or renumbered accordingly.

SECTION 6. A special election is hereby called to be held in conjunction with the general election of the City November 4, 2014. The electors shall have placed before them the questions of approving provisions of this Ordinance and shall have placed before them substantially the following captions and questions:

QUESTION 1. Adoption of City Charter as revised.

Do you approve of the adoption of Ordinance No. 14-___, Section 1, which amends the City Charter, Sub-Part A, in its entirety?

Yes _____ No _____

QUESTION 2. Reducing the Planning Board to seven members.

Do you approve of the adoption of Ordinance No. 14-___, Section 2, amending Section 6 of the City Charter, Sub-Part A, or City Charter as revised, to reduce the Planning Board from eleven to seven members, with at least one member from each commission zone?

Yes _____ No _____

QUESTION 3. Mayor's State of the City address.

Do you approve of the adoption of Ordinance No. 14-___, Section 3, amending Section 16 of the City Charter, Sub-Part A, or City Charter as revised, to require the Mayor to present an annual "State of the City" address each January?

Yes _____ No _____

QUESTION 4. Initiative and referendum petitions.

Do you approve of the adoption of Ordinance No. 14-___, Section 4, amending Sections 40 and 41 of the City Charter, Sub-Part A, or Sections 41 and 42 of the Charter as revised, reducing the number of signatures required on an initiative petition to 10% of registered city voters only and amending requirements for form and content of petitions and verification of signatures?

Yes _____ No _____

QUESTION 5. City Auditor.

Do you approve of the adoption of Ordinance No. 14-___, Section 5, amending the City Charter, Sub-Part A, or the Charter as revised, to authorize a new position of City Auditor who may be hired by and report directly to the city commission, and providing duties and responsibilities of the City Auditor related to financial, fiscal compliance, financial procedure, legal, and administrative audits of all city departments, offices, agencies, and programs?

Yes _____ No _____

SECTION 7. Section 6 of this Ordinance shall take effect immediately upon its adoption. Sections 1, 3, 4, and 5 shall each take effect immediately upon approval of each by the voters as provided in Section 6 above. Section 2 shall take effect on January 1, 2015, contingent upon approval by the voters as provided in Section 6 above.

ARTICLE I. CREATION OF MUNICIPALITY

Sec. 1. Municipality created; territorial boundaries.

A municipality to be known and designated as the City of Daytona Beach is hereby created, established, organized and constituted in the county of Volusia, and State of Florida, the boundaries of which are set forth in Appendix 1.

ARTICLE II. ZONES

Sec. 2. Designation and boundaries of zones.

- (a) The City of Daytona Beach shall be divided, for the purposes hereinafter named, into six (6) zones.
- (b) The zone boundaries existing on the effective date of this act shall continue in effect until changed by the city commission.
- (c) The city commission shall, by ordinance passed by three-fifths (3/5) affirmative vote, redesignate the boundaries of each zone after each annexation and each decennial census conducted by the United States government. The city commission may, by ordinance passed by three-fifths (3/5) vote, redesignate zone boundaries whenever it is deemed proper.
- (d) All such redesignation of boundaries shall be in accordance with the Constitutions and laws of the State of Florida and of the United States of America including but not limited to the Voting Rights Act. However, zone boundaries shall not be changed less than two (2) months prior to a regular municipal election except to include properties annexed to contiguous zones.

ARTICLE III. POWERS

Sec. 3. Form of government:

The municipal government provided by this Charter shall be known as the commission-manager form of government. Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the city shall be vested in an elective commission, which shall enact ordinances, adopt budgets, determine policies and appoint the city manager who shall execute the laws and administer the government of the city.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 4. General powers.

The City of Daytona Beach hereby created and established shall have perpetual succession; may sue and be sued; plead and be impleaded; shall have and may exercise all of the powers, privileges and functions of municipalities prescribed, authorized, and provided in the home rule powers granted by the Constitution and the General Laws of the State of Florida; and in addition thereto, shall have the power, by and through its city commission herein created.

~~To purchase, lease, acquire by eminent domain, receive and hold property, real and personal, within or without the limits or territorial boundaries of said municipality; and to sell, alienate, convey, lease or otherwise dispose of the same for the benefit and advantage of said municipality; acquire by eminent domain, lease, receive and hold property, real and personal, within or without the limits or territorial boundaries of said municipality to be used for the erection, construction and maintenance of waterworks, storm and sanitary sewer systems, and lighting plants, for the establishment of hospitals and houses of detention and correction, for the establishment of docks, wharves, bulkheads, breakwaters and boat basins, public parks, playgrounds, golf grounds, fair grounds, airports, seaplane bases, and for such other public purposes as the city commission may, by ordinance or otherwise, deem necessary and proper; and may sell, lease or otherwise dispose of said property for the benefit of said municipality to the same extent that natural persons might or could do; to lease space for the maintaining of advertising on all parking meter standards, benches or other property owned and operated by the city; to pass and enforce ordinances for the preservation of the property of said municipality and to preserve order on the same, either within or without its limits.~~

~~The commission may make such other and further ordinances, not inconsistent with the constitution and the laws of the State of Florida as shall be deemed necessary for the exercise of its powers and the performance of its duties. The enumeration of particular powers herein shall not be held or deemed to be exclusive or limiting.~~

Sec. 5. Reserved. ~~Operate utilities and grant franchises.~~

~~(a) — *Lights, heat and power.* The city commission shall have power to provide for lighting the streets, parks, public buildings and public places of the city; and to purchase or otherwise acquire, establish, maintain and operate plants either within or without the corporate limits of the city for lighting and heating by electricity, gas or any other method; and to supply the inhabitants of said city with artificial light, heat, and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.~~

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

~~(b) — Service of utilities to consumers outside city. The City of Daytona Beach shall have power to supply water and electricity, sanitary sewer service, garbage and trash collections, and gas for domestic and other purposes, to individuals, firms and corporations outside the said city, and to charge and collect rates, prices and compensation therefor.~~

~~The City of Daytona Beach is also authorized to furnish fire protection and fire hydrant service outside the City of Daytona Beach to individuals, firms and corporations outside said city, and when such service is rendered the commission shall make reasonable charges therefor. Charges for water, sanitary sewer service, fire protection and fire hydrant service, shall be included in one bill to any individual, firm or corporation user outside the said city who contracts for such services, and upon failure of any individual, firm or corporation user to pay any charge for water, sanitary sewer service, fire protection and fire hydrant service or such of them as contracted for, the city is authorized to withhold all of such services from such user.~~

Sec. 6. Planning and zoning powers.

~~(a) *Planning board and board of adjustment.*~~

~~There shall be a planning board consisting of eleven (11) members appointed by the commission for terms of four (4) years from among the qualified electors of the city. At least one member but no more than two (2) members shall reside in any one zone as defined in section 2 hereof. The commission may provide for staggered terms for the members of the board. Members of the board shall hold no other city office. The board shall advise the city manager and the commission on all planning and zoning matters and shall exercise all other responsibilities as may be provided by law.~~

~~The commission shall by ordinance establish a board of adjustment and shall provide standards and procedures for such board to hear and determine appeals from administrative decisions, applications for variances in cases involving hardship and such other matters as may be required by the commission or by law.~~

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

ARTICLE IV. CITY COMMISSION

Sec. 7. Regular and first meetings of commission.

At 6:00 p.m. on the second Wednesday after the first Monday in November following each regular municipal election, the city commission shall meet at the usual place of holding the meetings of the commission, at which time the newly elected mayor and commission members shall assume the duties of office. Thereafter the city commission shall meet at such time, day, and place as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than twice each month.

Sec. 8. Election, term, qualifications, etc., of commissioners; mayor.

The elective officers of the city shall be six (6) commissioners and a mayor. The mayor elected in 2007 shall serve a term ending in 2012. Commissioners from zones 1, 3, and 5, elected in 2005 shall serve terms ending in 2010. Commissioners from zones 2, 4, and 6, elected in 2007 shall serve terms ending in 2012. Thereafter, the mayor and commissioners shall be elected to terms of four (4) years. One commissioner shall reside in each of the zones of said city as said zones are designated in Section 2 of this charter. No person may qualify to run for the office of commissioner except from the zone in which he is a bona fide resident continuously for at least six (6) months immediately prior to the first day of the qualification period for office and be a qualified elector. Candidates for the office of mayor shall be bona fide residents of the city for at least six (6) months immediately prior to the first day of the qualification period and be qualified electors in any of said zones. If the mayor or any commissioner ceases to possess any one of the qualifications set forth herein, the office shall thereupon become immediately vacant. Each qualified elector of said city shall have the right to vote for one candidate for mayor, and shall further have the right to vote for one candidate for the city commission from the zone in which the elector is qualified to vote. No person may qualify for both the office of commissioner and the office of mayor in the same election. The mayor and commissioners elected under this section shall take office on the second Wednesday after the first Monday in November after their election as provided under this charter and shall hold office to the expiration of their terms as provided above or until their successors are elected and qualified under the provision of this charter if that be later.

Sec. 9. Vacancies on commission or in office of mayor.

In the event any vacancy in the city commission, including the office of mayor, occurs less than twelve (12) months prior to a regular election, by reason of death, resignation, failure to possess the requisite qualifications as described in this act,

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

absence from four (4) consecutive regular meetings of the commission, unless such absence is excused by the commission, the conviction of a felony in any court of competent jurisdiction, or for any other cause, it shall be the duty by a majority vote, of the remaining qualified members of the city commission to declare such office vacant and, in the case of a vacancy in the office of mayor, to fill the same by appointing a resident of the city who shall possess the qualifications of being a bona fide resident continuously for at least six (6) months immediately prior to the appointment and being a qualified elector; and in the case of a vacancy in the office of city commissioners, to fill the same by appointing a resident of the zone in which the vacancy occurs who shall possess the qualifications of being a bona fide resident for at least six (6) months immediately prior to the appointment and being a qualified elector therein, all within ten (10) days after the vacancy occurs; and in the event of the failure, neglect or refusal of said city commission to fill said vacancy, then same may be filled by the governor of the State of Florida, which said appointee shall serve until 6:00 p.m. on the second Wednesday after the first Monday in November after the next regular municipal election, and a successor shall be elected to serve for a term ending in accordance with the schedule in Section 8, Sub-Pt. A, City Charter.

In the event a vacancy in any such office occurs twelve (12) months or more than twelve (12) months prior to any regular election to be held in The City of Daytona Beach, the city commission shall call a special election in accordance with the election laws of The City of Daytona Beach, for the purpose of filling said vacancy for a term ending in accordance with the schedule in Section 8, Sub-Pt. A, City Charter. The candidates for such vacant office shall possess the requisite qualifications for said office as set forth in this Charter.

In the event a vacancy in any such office occurs due to the resignation of a member of the city commission, including the mayor, pursuant to the state law requirement that a municipal officer resign prior to qualifying for a different elective office with a concurrent or partially concurrent term, the vacancy for the remainder of the unexpired term shall be filled by special election held in conjunction with the scheduled general election for the office for which the resigning member is running.

Sec. 10. Commission judge of own elections; mayor and commissioners ceasing to possess qualifications.

The commission shall be the judge of the election and qualification of its own members, or may delegate such duties to a canvassing board utilized in conjunction with county uniform municipal elections, subject to review by the courts. Any mayor or member of the commission who shall cease to possess the qualifications enumerated in this Charter (including any city commissioner who, while in office, removes his or her residence from the zone from which elected), or who shall be convicted of a felony while in office, shall cease to possess the requisite qualifications of a member of the city

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

commission as described in this act, and the office so held by said mayor or city commissioner shall, upon the happening of such event, be considered vacant and shall be filled as other vacancies hereinafter provided.

Sec. 11. Quorum of commission; compelling attendance; voting on ordinances and resolutions.

A majority of all members elected to the city commission shall constitute a quorum, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No official action shall be taken by the commission unless a quorum is present at the time the action is taken.

Sec. 12. Special meetings of commission; open to public; exercise of powers; rules and order of business; adjournment for lack of quorum.

The mayor, or any four (4) members of the commission, or the city manager may call special meetings of the city commission upon at least twelve (12) hours' written notice to each member, served personally or left at the member's usual place of residence. At such special meetings the commission shall have and may exercise all of the powers vested in it to be exercised at regular meetings unless the notice of call [call] of such special meeting limits the matters to be considered at such meeting. Any regular, special or adjourned meeting may be adjourned for lack of a quorum by any one or more members of the commission and in the absence of any commissioner, by the city manager or the city clerk, provided that after the adjournment each member of the commission is served with a written notice of the time of such adjourned meeting in the manner provided for the call of special meetings. All meetings of the city commission and of the committees thereof shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The city commission shall determine its own rules and order of business and shall keep a journal of its proceedings.

Sec. 13. Absence of members from meetings of commission.

Absence from four (4) consecutive meetings of the commission shall operate to vacate the seat of the member, unless such absence is excused by the commission by resolution duly entered upon the journal; provided however, that the commission may by resolution grant leaves of absence to its members for such periods as it sees fit, such grants to be by resolution duly entered upon the journal.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 14. Mayor and commissioners; salaries and expenses.

The commission may determine the annual salary of the mayor and commissioners by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of commissioners elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months.

Commissioners shall receive their actual and necessary expenses incurred in the performance of their duties of office, in accordance with city policy.

Sec. 15. Powers vested in commission; to deal with administrative service solely through city manager; interference by members of commission.

(a) All powers of the city except as otherwise provided by this Charter or by the constitution of this state, are hereby vested in the commission, and except as otherwise provided by this Charter or by the constitution of this state, the city commission may, by ordinance or resolution, prescribe the manner in which any power of the city shall be exercised.

(b) The commission and its members shall deal with the administrative service through the city manager; provided however, that this provision shall not be construed as prohibiting the commission from advising and consulting with the city manager and other officers and employees of the city whenever in the judgment of the commission it may be necessary, or from making suggestions to the city manager; but no member of the city commission shall directly interfere with the conduct of any officer or employee in the discharge of prescribed duties, except at the express direction of the commission; nor shall any member of the city commission interfere in the competitive selection process for city purchases or contracts. Any violation of the provisions of this subsection by any member of the city commission shall be punishable by a fine constitute a misdemeanor and, upon conviction thereof before any court of competent jurisdiction, [the violator] shall be fined not exceeding five hundred dollars (\$500.00), or by imprisonment not exceeding sixty (60) months days, or both, at the discretion of the court.

Sec. 16. Powers and duties of mayor, vice mayor; absence or disability of mayor.

(a) The mayor shall preside at all meetings of the commission and perform such other duties consistent with the office as may be imposed by it; and shall have a voice and a vote in the proceedings of the commission. The mayor shall use the title of mayor in any case in which the execution of legal instruments of writing or other necessity arising from the general laws of the state so require. The mayor shall be recognized as the official head of the city by the courts for the purpose of serving civil process; by the

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

government in the exercise of military law, and for all ceremonial purposes. In time of public danger or emergency the mayor may, with the consent of the commission, take command of all departments of the city and maintain order and enforce law. The powers and duties of the mayor shall be such as are conferred by the city commission in pursuance of the provisions of this Charter.

(b) In the absence or disability of the mayor, the vice mayor shall perform the duties of mayor. The vice mayor shall be one of the members of the city commission. On the date that the commission takes office following the general election, the commissioner of zone 1 shall automatically become the vice mayor and shall retain the office for a period of four (4) months; and thereafter the office shall be rotated according to consecutive zone members each four (4) months; however, if the commissioner of zone 1 has not previously held office, the rotation shall start with the commissioner of zone 2 and end with the commissioner of zone 1.

Sec. 17. Review or investigation of officers, employees or departments.

The city commission shall have power at any time to cause a review of the affairs of any department. The city commission shall have the authority to conduct investigations of any officer, employee, or department. For investigative purposes the commission shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the mayor and shall be served by an officer authorized by law to serve such process. For investigative purposes the commission shall have power to cause the testimony to be given under oath, such oath to be administered by some officer having authority under the law of the state to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within the person's knowledge, or produce any books or papers under his or her control relating to the matter under investigation.

ARTICLE V. NOMINATION AND ELECTION OF COMMISSION

Sec. 18. Election of mayor and commission; taking office.

The regular municipal election shall be held every two (2) years, in even-numbered years, in conjunction with the elections held pursuant to the Florida Election Code or as uniform filing and election dates for even-numbered year municipal elections in Volusia County may be established. Members of the city commission elected at the regular municipal elections shall assume the duties of office at six o'clock p.m. on the second Wednesday after the first Monday in November, immediately following such regular municipal election.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 19. Candidates nominated by petition; required number of signatures.

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any elector of the city shall be printed upon the ballot as a candidate for either mayor or commissioner, whenever a petition, as hereinafter prescribed, shall have been filed in his or her behalf with the city clerk. For candidates for the office of city commissioner, such petition shall be signed by at least twenty-five (25) of the qualified electors residing in the zone in which said candidate resides, and from which said candidates seek election. For candidates for office of mayor, such petition shall be signed by at least ten (10) of the qualified electors from each of the zones of the city.

Sec. 20. Signatures to nomination papers; affidavit of circulation.

Nominating petitions for the office of mayor or city commissioner shall be filed only upon forms provided for and supplied by the city clerk, which said forms shall be provided without charge; provided however, that such nominating forms will be given by the city clerk only to a bona fide candidate who shall first have signed and filed with said clerk an affidavit indicating a bona fide intention to become a candidate. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulation thereof, stating the number of signers of such paper, and that each signature appended thereto was made in the presence of the affiant and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number, or other description sufficient to identify the same.

Sec. 21. Filing nomination papers; acceptance of nomination; qualification fee; primary elections.

All nomination papers comprising a petition shall be assembled and filed with the city clerk, as one instrument, not later than twelve noon on the last day of the qualifying period preceding the general election. Any person nominated under this Charter shall pay to the city clerk a qualifying fee of twenty-five dollars (\$25.00) or use the alternative method of qualifying as established by the city commission and file with the city clerk a written acceptance of said nomination, not later than five o'clock p.m. of the fifth day after the last day of the qualifying period preceding the general election. In the absence of said acceptance and payment of fee or use of the alternative method of qualifying, the person's name shall not be submitted as a candidate in any general, special, or primary election held in the City of Daytona Beach. Upon receipt of the nominating petition or alternative method petition of any candidate, the city clerk shall file the petition and shall keep the same on file in accordance with State records retention requirements.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

- (a) When more than two (2) candidates are nominated for any elective office in the City of Daytona Beach, then it shall be the duty of the city commission to call a primary election, to be participated in by the qualified electors of the city. In such primary election, only those offices shall appear on the ballot for which there have been nominated more than two (2) candidates. Electors shall have the right to vote for a candidate for each office upon the ballot. The city commission shall publish a call for such election in a newspaper of general circulation published in Daytona Beach, on at least three (3) consecutive days preceding the Sunday in the week immediately prior to the date of such primary election.
- (b) The two (2) candidates for each office who receive the greatest number of votes cast for such office in such primary election shall have their names submitted to the voters for election at the next regular municipal election.
- (c) Whenever a candidate in any primary election shall receive a majority of all the votes cast for a particular office, then the candidate shall be declared elected to the office, and no regular election to elect such an officer need then be held.

Sec. 22. Elections; matters submitted to electors.

Any matter which, by the terms of the Charter, may be submitted to the electors of the city at any special election, may be submitted and voted upon at a regular municipal election.

Sec. 23. Qualifications of electors.

Any person who shall possess the qualifications of an elector in general state elections and shall be residing in the City of Daytona Beach shall be deemed a qualified elector authorized to vote at such municipal election. On all propositions relating to the issuing of city bonds, only such qualified electors as are freeholders shall be eligible to vote.

Sec. 24. Arrangements for holding; appointment of inspectors and clerks; districts and polling places.

The city clerk shall in conjunction with the county supervisor of elections make all necessary arrangements for holding all municipal elections, and the city commission shall declare the results thereof or can delegate such duties to a canvassing body utilized in conjunction with the county uniform municipal elections. Inspectors and clerks of elections shall be appointed by the city commission unless handled pursuant to county uniform municipal elections, except that if the county supervisor of elections shall fail to appoint them at least two (2) days before the date of any election, the city clerk

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

shall appoint them. The city commission shall, by resolution, designate as many polling places as are necessary for the use of the voters at each election.

Sec. 25. Ascertaining and declaring results.

The results of the voting at each polling place, when ascertained, shall be provided by the supervisor of elections in duplicate, one copy being delivered to the mayor and one copy to the city clerk, both of whom shall transmit such returns to the commission at a meeting to be held not later than twelve o'clock noon on the second day following the election. At such meeting the commission shall certify the election returns, and the candidate for office who shall have received the greatest number of votes cast shall be by the commission declared elected. The city clerk shall, not later than five o'clock p.m. of the second day after the election, furnish a certificate of election to each person shown to have been elected.

Sec. 26. State election laws applicable.

All general laws of the State of Florida relating to elections and the registration of persons qualified to vote therein, which are not inconsistent or in conflict with the provisions of this ~~aet~~-charter shall be and the same are hereby adopted as parts hereof. Elections of mayor and city commissioners shall be nonpartisan and references in general law to political parties and party primaries shall not be applicable to city elections.

ARTICLE VI. CITY MANAGER

Sec. 27. City manager, initial appointment and annual evaluation, etc.; absence or disability.

The city commission shall appoint a city manager who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and shall hold office from the date of appointment until discharged by the commission and shall at all times serve at the pleasure of the city commission and receive such compensation as the city commission may determine. The city manager shall be chosen solely on the basis of executive and administrative qualifications without regard to political belief, and need not be a resident of the city or state at the time of appointment. During the absence or disability of the city manager, the city commission may by resolution appoint an officer of the city to perform the duties of the city manager until such absence or disability shall cease. The compensation to be paid the officer appointed to perform the duties of the city manager during such absence or disability

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

shall be established by the city commission in the resolution of appointment. The city manager shall be subject to an annual evaluation by the city commission. No member of the commission or former member of the commission may be eligible for appointment to the position of city manager during the term for which elected or appointed as city commissioner, nor within one (1) year after the expiration of such term. The commission may require the city manager to reside within the city, but in the absence of a specific requirement, the city manager need not reside within the city while serving in that capacity.

Sec. 28. Powers and duties generally.

Except in times of emergency as described in section 16 hereof, the city manager shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the commission for the proper administration of all affairs and administrative departments of the city government, including the police and fire departments, and shall carry out the ordinances, policies and regulations adopted by the commission.

The city manager shall have such power and authority as shall be necessary to permit performance of the duties as set forth herein or as may be required by ordinance or resolution of the city commission.

In case of riot or other grave emergency and during elections or similar occasions, except those described in section 16 hereof, the city manager may appoint special firefighters, police officers and officers for temporary service. Except under the provisions of section 16 hereof, no person shall act as a special firefighter, police officer, special detective, or other special police officer for any purpose whatsoever, except on written authority of the city manager.

In addition to the general authority and other responsibilities assigned to him by the commission, the city manager is required to:

- (a) Enforce all laws and ordinances.
- (b) Except as hereinafter specifically provided, appoint, suspend and remove all subordinate officers and employees of the city.
- (c) Exercise, control and direct supervision over all administrative departments and divisions of the municipal government under this Charter, or which may hereafter be created by the city commission, including police and fire reserve forces.
- (d) 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, to call the same to the attention of the city

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

attorney, whose duty it is hereby made to take such legal steps as may be necessary to enforce the same.

- (e) Attend meetings of the city commission, and of its committees, with right to take part in the discussion, but without a vote.
- (f) Recommend to the commission for adoption measures deemed necessary or expedient in the interests of the city.
- (g) Submit to the city commission for its consideration an annual budget and capital program.

ARTICLE VII. CITY ATTORNEY

Sec. 29. City attorney, initial appointment and annual evaluation, etc.; absence or disability.

The city commission shall appoint a city attorney who shall serve at the pleasure of the commission and act as legal advisor for the city and all its officers in matters relating to their official duties. The city attorney shall act as the head of the legal department and shall be responsible for administration of the department, including the appointment, supervision, and removal of all personnel employed in the department. The compensation of the city attorney shall be fixed by the commission in sums commensurate with the duties imposed; provided, that all special or unusual services required may be specially compensated as the commission may see fit to provide. The city attorney shall be a duly admitted member of The Florida Bar and shall have been a practicing attorney for at least five years. The city attorney shall not be a member of the Florida legislature. The city commission may require the city attorney to reside within the city, but in the absence of a specific requirement, the city attorney need not reside within the city while serving in that capacity. The city attorney shall be subject to an annual evaluation by the city commission.

During the absence or disability of the city attorney, the city commission may by resolution appoint an attorney to perform the duties of the city attorney until such absence or disability shall cease. The compensation to be paid the attorney appointed to perform the duties of the city attorney during such absence or disability shall be established by the city commission in the resolution of appointment.

EXHIBIT A
2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 30. Powers and duties generally.

(a) The city attorney shall perform such professional duties as shall be required of him or her, including:

(1) Approve all contracts of the municipality as to form, authority, and proper execution before the same shall become effective.

(2) Act as attorney of record for the city in any and all cases before and tried in the court unless other representation is directed, requested, or authorized by the city commission.

(3) Attend regular meetings of the commission, and such other meetings as may be required, upon reasonable notice given.

(b) The city attorney may delegate to any duly appointed assistant city attorney any of the duties and responsibilities imposed by the provisions hereof or by the city commission; and may retain private counsel for certain purposes or to perform certain duties or responsibilities prescribed herein upon authorization of the city commission.

VIII. ADMINISTRATIVE DEPARTMENTS AND PROCEDURES

DIVISION A. GENERAL

Sec. ~~29~~ 31. Administrative Officers and departments generally.

The city commission by ordinance may create, change, and abolish administrative offices, departments, or agencies of the city as it may deem advisable. The city commission by ordinance may assign, change, or reassign titles and may, assign or reassign functions to offices, departments, or agencies from time to time as it may see fit upon the recommendation of the city manager. The police and fire department of the city shall be administered as are other departments except as otherwise provided herein.

Sec. 320. Oaths of officers.

Every officer of the city shall, before entering upon the duties of office, take and subscribe to an oath or affirmation to be filed and kept in the office of the city clerk; which oath shall be in the form prescribed for state officers by the constitution of the state.

EXHIBIT A
2014 Charter Review – Revised Charter (for second reading 8-20-14)

~~DIVISION B. LEGAL DEPARTMENT~~

~~Sec. 31. City attorney.~~

- ~~(a) The commission shall appoint a city attorney who shall serve at the pleasure of the commission and act as legal advisor for the city and all its officers in matters relating to their official duties. The city attorney shall be a duly admitted member of The Florida Bar and shall have been a practicing attorney for at least five (5) years. The city attorney shall not be a member of the Florida legislature nor serve as attorney for any other municipality or taxing agency.~~
- ~~(b) The city attorney shall perform such professional duties as shall be required of them; shall approve all contracts of the municipality before the same shall become effective; and shall act as prosecuting attorney in any and all cases before and tried in the court.~~
- ~~(c) The city attorney shall attend regular meetings of the commission, and such other meetings as may be required, upon reasonable notice given.~~
- ~~(d) The city attorney shall be subject to an annual evaluation by the city commission.~~
- ~~(e) The compensation of the city attorney shall be fixed by the commission in sums commensurate with the duties imposed; provided, that all special or unusual services required may be specially compensated as the commission may see fit to provide.~~
- ~~(f) The city attorney may delegate to any duly appointed assistant city attorney any of the duties and responsibilities imposed by the provisions hereof or by the city commission~~
- ~~(g) In the absence or during the disability of the city attorney, or when specifically authorized by the city attorney, an assistant city attorney may approve contracts of the municipality.~~

~~DIVISION BC. CITY CLERK~~

~~Sec. 332. Appointment, etc.; powers and duties generally.~~

- ~~(a) *Appointment; general duties.* There shall be a city clerk who shall be appointed by and serve during the pleasure of the city manager, and who shall perform the duties specified in this Charter as well as those required by the city manager and the city commission.~~

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

- (b) *Countersigning contracts.* No contract made in behalf of the city or to which the city is a party shall be valid unless attested to and signed by the city clerk.
- (c) [*Custodian of city seal and records.*] The city clerk shall be the custodian of the seal of the city and of all records and papers of a general character pertaining to the affairs of the municipality.

DIVISION CD. OTHER PROCEDURES

Sec. ~~343~~. Official bonds of officers and employees.

The city manager, and all other officers and employees having control, custody or charge of any money or properties of the city and such other officers and employees that the city commission may designate shall enter into a good and sufficient honesty bond in an amount to be determined by the city commission. All bonds shall be written in favor of the City of Daytona Beach by a surety company authorized to do business in the State of Florida. Such bonds may provide coverage with deductible amounts as determined by the city commission. The premium on such bonds shall be paid by the City of Daytona Beach.

Sec. 354. Officers and employees not to hold other office; not to be interested in contracts, etc.; franks, free tickets, passes or service.

Officers and employees of the City of Daytona Beach may hold not more than one office in the said government of the City of Daytona Beach, Florida, except as provided otherwise in this Charter; nor shall any officer or employee elected or appointed to hold an office or position in the government of said city be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or to be furnished or performed for the city; and no such office[r] or employee shall be interested, directly or indirectly in any contract or job for work or material, or the profits thereof, or services to be furnished or performed for any person, firm or corporation operating interurban railways, street railways, gasworks, waterworks, electric light or power plants, heating plants, telegraph lines, telephone exchange or other public utilities within the territorial limits of said city. No such officer or employee shall accept or receive directly or indirectly, from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gasworks, waterworks, electric light or power plant, heating plant, telegraph or telephone exchange, or other business operating under public franchise, any frank, free ticket, or free service or accept or receive, directly or indirectly, from any such person, firm, or corporation, any other

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

service upon terms more favorable than is granted to the public generally. Any person violating any of the provisions of this section shall ~~be deemed guilty of a misdemeanor, and upon conviction, thereof shall be~~ punished by a fine not exceeding five hundred dollars (\$500.00), or by imprisonment in the county jail not exceeding ~~ninety-sixty (690)~~ days; and every such contract or agreement shall be void. Nothing herein contained shall prevent any officer or employee of any of the aforesaid persons, firms or corporations from holding any elective office of the City of Daytona Beach if and when the said elective officer was, at the time of their election, so employed and said employment was open and well known to the public in general. Neither shall anything herein contained prevent any of said officers or employees from accepting or receiving any free pass or frank to which their employment entitled them.

Sec. 365. Officers and employees not to receive compensation other than salary; paying over fees, etc., to chief financial officer.

No officer or employee of said city shall retain any fees or costs for any services they may perform, nor shall they receive any compensation, other than the salary or expenses allowed and fixed by law, or as authorized by this chapter or any ordinances or resolutions which the city commission may lawfully adopt. All fees and costs which may be provided by law, ordinance or resolution to be paid shall be received by the officers and employees for and on account of the municipality, and shall be paid to the chief financial officer under such regulations as the city commission may prescribe for such officers and employees and shall make monthly reports thereof, or more often, as required by the city commission, to the chief financial officer, showing in detail from whom and on what account such fees and costs were received, and shall accompany such reports with receipts for the money paid over to the chief financial officer.

Sec. 376. Violation of preceding section; creating liability exceeding budget.

Any mayor, member of the commission, city officer or employee ~~of said municipality,~~ or other person entrusted with the collection or disbursement of municipal funds, who shall knowingly violate any of the provisions of section 35 of this ~~act~~ charter, or aid in such violation, or who shall create, or aid in creating any liability of the municipality beyond the expenses as fixed by the budget in the method hereinafter designated, shall be civilly liable to the municipality for the excess and any loss to the municipality, and shall also be guilty of a ~~misdemeanor,~~ violation of this charter for which such person or persons shall, upon conviction, be fined not less than five hundred dollars (\$500.00), or be imprisoned in the county jail ~~not less than ninety-~~ for up to sixty (690) days, or may be both fined and imprisoned in the discretion of the court.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

ARTICLE IX VIII. FINANCIAL PROCEDURES

Sec. 387. Public records.

Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the city consistent with the availability of other public records and as required by general law.

Sec. 398. Independent audit.

The commission shall provide for an independent annual audit of all city accounts and may provide for such more frequent audits as it deems necessary. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. The commission shall select an auditor in a manner consistent with state law. ~~may, without requiring competitive bids, designate such accountant or firm annually or for a period not exceeding three (3) years, provided that the designation for any particular fiscal year shall be made no later than thirty (30) days after the beginning of such fiscal year.~~

Sec. 4039. Closing and auditing accounts of officials and employees.

Upon the death, resignation, removal or expiration of the term of any officer or employee, the city auditor shall audit any accounts of the officer or employee, and if such officer or employee shall be found to be indebted to the municipality, the city auditor shall at once give notice thereof through the city manager to the city commission and to the city attorney, and the latter shall forthwith proceed to collect the sum of such indebtedness, as well as give notice of the violation on the part of said officer or employee of any of the criminal laws of the state to the proper law enforcement officer of the state.

ARTICLE IX. INITIATIVE AND REFERENDUM

Sec. 410. The initiative.

- (1) *Power to initiate ordinances and acts.* The qualified electors of the city shall have the power at their option to propose ordinances, including ordinances granting franchises or privileges, but not including the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees, and to adopt the same at the polls, such power being known

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

as the initiative. The people shall also have similar power to propose Charter changes ~~and such other municipal legislation as would ordinarily be proper for enactment by the state legislature as a special or local law pertaining to the City of Daytona Beach, in the event the constitution of the State of Florida shall be amended to provide for such procedure by granting home rule for Volusia County and its municipalities.~~ A petition meeting the requirements hereinafter provided, and requesting the commission to pass an ordinance or other legislation, therein set forth or designated, shall be termed an initiative petition and shall be acted upon as hereinafter provided.

- (2) *Preparation of initiative petitions.* Signatures to initiative petitions need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended to the paper is the genuine signature of the person whose name it purports to be, which affidavit shall be substantially in the following form:

COUNTY OF VOLUSIA)
STATE OF FLORIDA) SS

_____ being duly sworn, deposes and says that he/she is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto, were made in his/her presence and are the signatures of the persons whose names they purport to be.

(Signed) _____

Subscribed and sworn to before me this _____ day of _____ / _____ / _____, A. D., _____.

Notary Public

With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place and any other information required by the Supervisor of Elections for verification of signatures. All such papers pertaining to any one measure shall have written or printed thereon the names and addresses of at least five (5) registered voters who shall be officially regarded as filing the petition, and shall constitute a committee of the petitioners for the purposes hereinafter named. All such papers shall be filed in the office of the city clerk as one instrument.

- (3) *Filing of Petitions.* Within five (5) business days after the filing of the initiative petition, the clerk shall submit the petition to the Supervisor of Elections to ascertain

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

by examination the number of registered voters whose signatures are appended thereto and whether this number is at least twenty (20) percent of the total number of registered voters of the city and at least five (5) percent of the total number of registered voters of each zone of the city, as shown by the registration books, and shall attach to said petition a certificate showing the result of the examination. If, by the clerk's certificate, of which notice in writing shall be given to one or more of the persons designated, the petition is shown to be insufficient it may be amended once within ten (10) days from the date of said certificate by filing supplementary petition papers with additional signatures. The clerk shall within five (5) business days after the amendment make examination of the amended petition, and if the certificate shall show the same to be insufficient the clerk shall file the petition and shall notify each member of the committee of that fact. The final finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

- (4) *Submission of petition to commission.* If the petition shall be found to be sufficient, the clerk shall so certify and submit the proposed measure to the commission at its next meeting. Upon receiving the proposed measure the commission shall at once proceed to consider it and shall take final action thereon within thirty (30) days from the date it is filed with it.
- (5) *Election of initiated measures.* If the commission shall fail to pass the proposed measure, or shall pass it in a form different from that set forth in the petition, then the measure shall be submitted by the commission to the vote of the electors at the next city election occurring not less than forty (40) days after the date of the final action by the commission, and if no election is to be held within six (6) months from such date, then the commission shall call a special election to be held not less than forty (40) days nor more than fifty (50) days from such date. When submitted, the measure shall be in its original form.
- (6) *Initiative ballots.* The ballots used when voting upon a proposed measure shall state the substance thereof, and below it the two (2) propositions "for the measure" and "against the measure", or such other descriptive words as the commission shall direct, so arranged upon the voting machines that the voter may vote for or against the proposed measure. When a measure proposed by initiative petition is passed by the commission, but not in its original form, and is to be submitted to a vote of the electors, the measure as passed by the commission shall not take effect until after such vote and, if the measure so submitted be approved by a majority of electors voting thereon, it shall thereupon become an ordinance or law of the city and the measure as passed by the commission shall be deemed repealed. If a majority of the electors voting on any such measure shall vote in favor thereof, it shall thereupon become an ordinance or law of the city. The following title shall be substantially the form of the ballot:

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

TITLE OF MEASURE WITH GENERAL STATEMENT OF SUBSTANCE THEREOF.

For the measure (or other appropriate words)

Against the measure (or other appropriate words)

- (7) *Number of measures to be initiated.* Any number of proposed measures may be voted upon at the same election in accordance with the provisions of this Charter.
- (8) *Conflict on referred measures.* If two (2) or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

Sec. ~~421~~. Referendum.

- (1) *Power of referendum.* The qualified electors of the city shall have power at their option to approve or reject at the polls any measure passed by the commission except ordinances involving the budget, capital program, appropriations of money, levy of taxes and salaries of city officers or employees, or submitted by the commission to a vote of the electors, such power being known as the referendum, which power shall be invoked and exercised as herein provided. Measures submitted to the commission by initiative petition and passed by the commission without change, or passed in an amendment form shall be subject to the referendum in the same manner as other measures. ~~In the event that the constitution of the State of Florida shall be amended to provide for home rule for the City of Daytona Beach, the procedure set forth in this section shall be followed where not in conflict with the provisions of said amendment, for any measure which must by the terms of such home rule amendment, be submitted to the people.~~
- (2) *Referendum petition.* If within ten (10) days after the final passage of any measure by the commission a petition signed by the registered voters of the city to the number of at least twenty (20) percent of the total number of registered voters of the city and at least five (5) percent of the total number of registered voters of each zone of the city, as shown by the registration books, be filed with the city clerk requesting that any such measure, or any section thereof, be repealed or be submitted to a vote of the electors, it shall not, except in the case of an emergency measure, become operative until the steps indicated herein have been taken.
- (3) *Signature to petition.* The signatures thereto need not all be on one paper, but the circulator of every such paper shall make an affidavit that each signature appended thereto is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the place and any other information required by the Supervisor of Elections for verification of signatures. All

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

such papers shall be filed in the office of the city clerk as one instrument. A referendum petition need not contain the text of the measure designated therein and of which the repeal is sought, but shall briefly describe the ordinance or part thereof sought to be repealed.

- (4) *Certificate of petition.* Within five (5) business days after the filing of the petition, the clerk shall submit the petition to the Supervisor of Elections to ascertain whether or not the petition is signed by registered voters of the city to the number of at least twenty (20) percent, and signed by registered voters of each zone of the city to the number of at least five (5) percent, as shown by the registration books and shall attach to such petition a certificate showing the result of such examination. If by the clerk's certificate the petition is shown to be insufficient, it may be amended within ten (10) days from the date of said certificate by the filing of supplementary petition papers with additional signatures. The clerk shall within ten (10) days after such amendment make like examination of the amended petition and certify the result thereof.
- (5) *Reconsideration; election.* If the petition be found sufficient, the commission shall proceed to reconsider the measure or such section thereof as the petition shall specify. If upon reconsideration the measure, or part thereof, be not repealed or amended as demanded in the petition, the commission shall provide for submitting the same, by the method herein provided, to a vote of the electors, and the measure, or part thereof, shall thereupon be suspended from going into effect until the election and shall then be deemed repealed unless approved by a majority of the qualified electors who participate in the election. Or the commission by a five-sevenths (5/7) vote of the commissioners elected may submit the measure or part thereof with like effect to the electors at a special election to be called by the commission not less than forty (40) days after the receipt of the clerk's certificate. No special election of the City of Daytona Beach shall be held on a legal holiday which is named and fixed as such by the laws of Florida.
- (6) *Title ballot.* The proposed measure shall be submitted by ballot title which may be distinct from the legal title of any such proposed measure and which shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such measure. The ballot title shall be prepared by ~~the committee of the petitioners if for an initiative ^[2] or a referendum measure or by a committee of the commission when submitted by the commission.~~
- (7) *Form of ballot.* The ballot used when voting upon a proposed measure shall designate the same, and below it the two (2) propositions, "for the measure" and "against the measure."
- (8) *Emergency measures.* Measures passed as emergency measures shall be subject to referendum like other measures, except that they shall not be suspended from going into effect while referendum proceedings are pending. If, when submitted to a

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed, as regards any further action thereunder, and all rights and privileges conferred by it shall be null and void; provided however, that such measure so repealed shall be deemed sufficient authority for any payment made or expense incurred in accordance with the measure previous to the referendum vote thereon.

- (9) *Conflict on referred measures.* If two (2) or more measures adopted or approved at the same election conflict in respect to any of their provisions, they shall go into effect in respect of such of their provisions as are not in conflict and the one receiving the highest affirmative vote shall prevail insofar as their provisions conflict.

ARTICLE XI. GENERAL PROVISIONS

Sec. 432. Advisory boards.

The city commission may at any time appoint an advisory board or boards, composed of citizens qualified to act in any advisory capacity to the city commission, the city manager, or to any department of the city government, with respect to the conduct and management of any property or institution, or the exercise of any public functions of the city. The members of any such board shall serve without compensation for the time fixed in their appointment, or at the pleasure of the commission, and their duties shall be to consult and advise with such municipal officers and make written recommendations which shall become a part of the records of the city.

Sec. 43. Beach.

~~The public has a right of access to the beaches, and a right to use the beaches for recreation purposes, as defined by ordinance.~~

Sec. 44. Other Charter subparts.

The police and fire department employee pension fund shall be organized, and all amendments thereto, heretofore and hereafter enacted by the legislature of the State of Florida. Subparts B [repealed], C, D, E [repealed], and F [designated as subpart E in the Code of 2001] of the Charter shall remain in effect.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 45. Codification and publication of Charter and ordinances.

The commission shall have the power and shall cause to be prepared and published ~~within one (1) year after the passage of this act and once within each five (5) years thereafter, a code or digest of this Charter and all ordinances then in force and shall provide a sufficient fund for the cost of the first codification and digest of the Charter and ordinances in its budget.~~

Sec. 46. Citizen Charter review commission.

~~The A Charter Review Commission (CRC) shall be appointed at least once every ten years to conduct a complete review of the Charter of the city. The CRC shall consist of at least seven people and shall be appointed in accordance with the ordinance implementing the establishment of the CRC. The CRC shall be appointed at least once every ten (10) years to review the Charter of the city. At least three months prior to the municipal election subsequent to its appointment, the CRC shall report its findings to the city commission.~~

Sec. 47. Nondiscrimination.

The commission shall enact no ordinance, adopt no resolution nor take any official action, nor shall any officer or employee of the city, in the performance of an official duty, take any action that discriminates against any person because of the race, color, religion, creed, national origin, age, gender, handicap, disability, veteran or marital status of such person. Any act taken in violation of this section shall be null and void. Any commissioner, officer or employee of the city who knowingly and wilfully violates the prohibitions contained in this section shall be guilty of a ~~misdemeanor~~ violation of this Charter punishable by a fine of up to \$500 or 60 days in jail or both, and upon conviction thereof punished accordingly.

ARTICLE XII. PERSONNEL ADMINISTRATION

Sec. 47.1. Employment policy.

All employment actions of the city shall be taken on the basis of merit and bona fide occupational qualifications. No employee shall be subject to illegal discrimination.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 47.2. Merit system.

There shall be a merit system for the employees of the city. The city commission shall enact ordinances as may be necessary to prescribe terms and conditions of employment. The city manager shall be appointing authority except as otherwise provided in the Charter and may delegate this authority. The city manager shall provide administrative processes for the implementation of the personnel system and for the adjustment of employee grievances.

Sec. 47.3. Personnel board.

- (a) *{Appointment.}* There shall be a personnel board consisting of five (5) members who shall be appointed by the city commission.
- (b) *Terms.* The members shall serve four (4) year staggered terms ending June 16. They shall be removable for cause after notice and hearing by a majority vote of the city commission.
- (c) *Qualifications.* Each member shall be a qualified elector of the city and shall not hold or be a candidate for any office of profit or trust or employment of any governmental agency.
- (d) *Jurisdiction.* The board shall hear appeals of classified service employees from final administrative action resulting in termination, demotion or suspension with loss of pay and shall affirm, modify, or reverse the final administrative action.
- (e) *Rules of procedure.* The board shall adopt rules of procedure for the processing of appeals and conduct of hearings.

Sec. 47.4. Classification of employees.

Each employee of the city shall be included in one of the following groups as determined by the city commission:

- (a) *Collective bargaining unit employees.* Employees within a collective bargaining unit. The terms and conditions of employment shall be governed by a collective bargaining agreement.
- (b) *Classified service employees.* Permanent full time employees in budgeted positions who are subject to competitive appointment and promotion provisions.
- (c) *Exempt service employees.* Employees serving in positions designated by the city commission as meeting the following criteria:
 - (1) Elected officials.
 - (2) City commission appointees.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

- (3) Directors of departments.
- (4) Advisory board members and volunteers.
- (5) Confidential assistants, aides and secretaries.
- (6) Employees exercising significant management discretion.
- (7) Employees exercising independent judgment of a profession.
- (8) Part time, temporary, casual, contract and leased employees.

Sec. 47.5. Transition provisions.

~~The present civil service provisions, Subpart B, sections 11—18, 22, 24 and 26—33, shall become an ordinance subject to amendment as any other ordinance. Any responsibilities of the civil service board and civil service director under Subpart B, City Charter, shall become the responsibility of the city manager. The present members of the civil service board shall become the initial members on the personnel [board] for the terms to which they were appointed.~~

ARTICLE XIII. TRANSITIONAL PROVISIONS

Sec. 48. Passage of title, rights, etc., under Charter.

The title, rights, ownership of property, including the official seal of the City of Daytona Beach, and the uncollected taxes, dues, claims, judgments, decrees and choses [choices] in action held and owned by the municipality of the City of Daytona Beach, County of Volusia, State of Florida, shall be unaffected by the adoption of this Charter.

Sec. 49. Existing officers, existing resolutions, existing ordinances, etc.

All the officers and commission members heretofore elected or appointed and holding office under the City of Daytona Beach, Volusia County, State of Florida, ~~except the debt service commission,~~ shall serve the term for which they were elected or appointed and shall continue to discharge the duties thereof until their successors are elected and qualified under the provisions of this ~~act~~ charter; and all existing laws, resolutions, contracts and ordinances of the said ~~municipality~~ not in conflict with the provisions of this ~~act~~ charter shall continue unimpaired and of binding effect until repealed, amended or modified by the municipality ~~hereby created and organized~~; and ~~that~~ all such existing laws, resolutions and ordinances are hereby ratified, validated and confirmed.

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Sec. 50. Unconstitutionality of part of Charter.

If any section or part of this ~~aet~~-charter is held to be invalid or unconstitutional by any court of competent jurisdiction, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part ~~of section of this aet~~.

Sec. 51. Effective date of Charter.

This ~~aet~~-charter shall take effect immediately upon adoption by the voters.

APPENDIX 1. TERRITORIAL BOUNDARIES

Beginning at the point on the easterly shore line of the Halifax River where said shore line intersects the north line of Ortona Park Subdivision, Section 3 as shown on plat recorded in Map Book 23, Page 233, Public Records of Volusia County, Florida; thence westerly along the prolongation of said north line of Ortona Park Subdivision, Section 3, to the main channel of the Halifax River; thence southeasterly with the said channel of the Halifax River to the point where said channel intersects the easterly prolongation of the southerly line of Second Street (formerly known as Forest Avenue) as shown on the Mason and Carswell's map of the Town of Holly Hill, recorded in Map Book 2, Page 90, Public Records of Volusia County, Florida; thence westerly along said prolongation of the southerly line of Second Street and the southerly line of Second Street to the westerly right-of-way line of North Beach Street (formerly known as the Old Dixie Highway or Ormond-Daytona Beach Road); thence in a southerly direction along the westerly line of said highway to the center line of Mason Avenue as shown on said map; thence westerly along said center line of Mason Avenue to the westerly line of the Florida East Coast Railway right-of-way; thence north westerly along said westerly line of the Florida East Coast Railway right-of-way to a point midway between Brentwood Drive (formerly known as Forest Avenue) and Third Street (formerly known as Wisconsin Avenue) as shown on said map of Mason and Carswell; thence southwestly along said line midway between said Brentwood Drive and Third Street to a point in the easterly right-of-way line of the main Halifax Drainage Canal as now laid out and established; thence northwestly along said easterly right-of-way line of the main Halifax Drainage Canal to a point 450 feet northwestly of the southerly line of Lot 6, block 20 as shown on the Mason and Carswell's map of the Town of Holly Hill, recorded in Map Book 2, Page 90, Public Records of Volusia County, Florida; thence northeasterly and parallel to said southerly line of Lot 6, Block 20, a distance of 250 feet to a point; thence southeasterly and parallel to said easterly right-of-way line of the main Halifax Drainage Canal, 430 feet to a point located 20 feet northwestly from said

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

southerly line of Lot 6, Block 20; thence northeasterly along a line parallel to said southerly line of Lot 6, Lot 5, Lot 4, Block 20, and 20 feet northerly therefrom, 830 feet more or less to a point 170 feet southwesterly of the easterly line of Lot 4, Block 20 of said map; thence northwesterly and parallel to the said easterly line of Lot 4, Block 20, to a point, said point being 464 feet southeasterly of the northerly line of said Lot 4; thence southwesterly and at a right angle 10 feet to a point; thence northwesterly and at a right angle, 464 feet to a point in the northerly line of said Lot 4, Block 20, said point being 180 feet southwesterly of the northeast corner of said Lot 4; thence southwesterly along the northerly line of said Lot 4, and along the northerly line of Lot 5 and Lot 6, Block 20, to the easterly right-of-way line of the main Halifax Drainage Canal; thence northwesterly along the easterly right-of-way line of the main Halifax Drainage Canal to the center line of Michigan Avenue (also known as Sixth Street) as shown on said map in Map Book 2, Page 90, Public Records of Volusia County, Florida; thence southwesterly along said center line of Michigan Avenue to the center line of Derbyshire Road, a 60-foot street as shown on the plat of record, Lake Ellabella Extension #1, Map Book 23, Page 234, Public Records of Volusia County, Florida; thence northwesterly along said center line of Derbyshire Road to the center line of Eighth Street as shown on said map; thence northeasterly along the said center line of Eighth Street a distance of 530 feet to a point; thence in a northwesterly direction and perpendicular to said center line of Eighth Street and along a line crossing north half of said Eighth Street and crossing Lot 3, Block 6, as shown on the said Mason and Carswell's map of the Town of Holly Hill to the south line of Lot 2, Block 6, said Mason and Carswell's map; thence northeasterly along said south line of Lot 2 and along the South line of Lot 2 extended Easterly to the Easterly line of Vine Street, a 33-foot street as now laid out; thence Southerly along the Easterly line of said Vine Street to the Southwest corner of Lot 7, Block 7 in said Mason & Carswell's Sub., said point also being the Northeast corner of said Vine Street & Eighth Street, a 50-foot right-of-way as now laid out; thence Easterly along the Southerly line of said Lot 7, Block 7 which is also the Northerly line of said Eighth Street, to the Southeast corner of said Lot 7, Block 7; thence Northerly along the Easterly line of said Lot 7 to the Northeast corner thereof; thence Westerly along the Northerly line of said Lot 7 to a point 477.98 feet Easterly of the Easterly line of said Vine Street; thence Northwesterly a distance of 340.15 feet to a point in the Northerly line of the Southerly $\frac{1}{2}$ of said Lot 6; thence westerly along the Northerly line of the Southerly $\frac{1}{2}$ of said Lot 6 and parallel to the Southerly line of said Lot 6, a distance of 395.5 feet to a point in the Easterly line of said Vine Street; thence Southerly along the Easterly line of said Vine Street to a point of intersection with the Northerly line of Lot 2, Block 6, in said Mason and Carswell's Sub. extended Easterly; thence southwesterly along the north line of said Lot 2 and a prolongation thereof 1656 feet more or less to the west right-of-way of Derbyshire Road as now laid out; thence southeasterly along said west right-of-way of Derbyshire Road, 300 feet more or less to the north line of Government Lot 2, Section 2, Township 15 South, Range 32 East, thence westerly along said north line of Government Lot 2, 683.31 feet to a point; thence southeasterly

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

and parallel to said northerly prolongation of the westerly right-of-way line of Derbyshire Road 878.88 feet to a point in the said center line of Eighth Street; thence southwesterly along the center line of said Eighth Street and a prolongation thereof to the westerly line of a 100-foot Florida Power and Light Company Easement of Record in Deed Book 431, Page 1, Public Records of Volusia County, Florida; thence northwesterly along said westerly line of Florida Power and Light Company easement to the northerly line of the south $\frac{1}{2}$ of Government Lot 3, Section 2, Township 15 South, Range 32 East; thence North $89^{\circ} 39' 49''$ East, along the South line of the North half of said Government Lot 3 to a point in the Easterly line of said Florida Power and Light Company easement; thence North $29^{\circ} 37' 00''$ West along the Easterly line of said Florida Power and Light Company easement to a point in the South line of said Eighth Street; thence North $89^{\circ} 36' 15''$ East along the Southerly right-of-way line of said Eighth Street extended Westerly, a distance of 202.08 feet; thence North $26^{\circ} 04' 45''$ East a distance of 55.48 feet to a point in the North line of said Eighth Street; thence North $89^{\circ} 36' 15''$ East along the Northerly line of said Eighth Street a distance of 136.47 feet; North $02^{\circ} 01' 34''$ West, a distance of 111.94 feet; thence North $25^{\circ} 58' 19''$ West, a distance of 19.00 feet; thence North $64^{\circ} 01' 40''$ East, a distance of 98.00 feet to a point in the Westerly line of Beverly Hills Unit 16 as recorded in Map Book 28, Page 90, Public Records of Volusia County, Florida; thence North $25^{\circ} 58' 19''$ West along the Westerly line of said Beverly Hills Unit 16, a distance of 880.45 feet to the Northwest corner of Lot 12 in said Beverly Hills Unit 16; thence continue North $25^{\circ} 58' 19''$ West a distance of 55.37 feet to a point in the Northerly line of Ninth Street, a 50-foot right-of-way as shown on said Beverly Hills Unit 16; thence South $89^{\circ} 28' 41''$ West, a distance of 20.00 feet; thence North $25^{\circ} 58' 19''$ West a distance of 110.74 feet to a point in the South line of West Ridgewood Ranch Estates Subdivision as recorded in Map Book 23, Page 217, also being the North line of the North one-half of Government Lot 3; thence South $89^{\circ} 43' 33''$ West along the said South line of West Ridgewood Estates and along the Westerly Extension of the said South line of West Ridgewood Ranch Estates a distance of 537.71 feet to a point in the Easterly line of Jimmy Ann Drive, a 130-foot right-of-way; thence continue South $89^{\circ} 43' 33''$ West, a distance of 130 feet to a point in the Westerly line of said Jimmy Ann Drive; thence run Northerly, along the Westerly line of said Jimmy Ann Drive, a distance of 1325 feet, more or less, to the Northerly line of the 125-foot wide right-of-way of Eleventh Street; thence run Easterly, along the Northerly right-of-way line of said Eleventh Street, a distance of 100 feet, more or less, to the Easterly line of the Jimmy Ann Drive Extension, as described in Official Records Book 1181, Page 655, of the Public Records of Volusia County, Florida; thence run Northerly, along the Easterly line of the Jimmy Ann Drive Extension, a distance of 1285.38 feet to a point in the North line of Section 2, Township 15 South, Range 32 East; thence run Westerly, along the Northerly line of said Section 2, a distance of 1430 feet, more or less, to the Southwest corner of Derbyshire Acres Subdivision, Unit 13, as per map recorded in Map Book 26, Page 92, of the Public Records of Volusia County, Florida, said point also being the Southeast corner of the Southwest $\frac{1}{4}$ of Section 33, Township

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

14 South, Range 32 East; thence run Northerly, along the Westerly line of said Derbyshire Acres Subdivision, Unit #3, being also the East line of the Southwest $\frac{1}{4}$ of said Section 33, a distance of 1303.9 feet to an intersection with the Southerly right-of-way line of Wright Street, a 50-foot wide right-of-way; thence run Westerly, along the Southerly line of said Wright Street, a distance of 390 feet, more or less, to its intersection with the Easterly line of a 100-foot wide Florida Power & Light Company Easement; thence run Southerly, along the Easterly line of that parcel of land deeded from Consolidated Tomoka Land Co. to Florida Power & Light Company dated October 1, 1974, a distance of 622.18 feet to the Southeast corner thereof; thence run Westerly, along the Southerly line of said Florida Power & Light Company parcel, a distance of 705.16 feet to the Southwesterly corner thereof, said point also lying in the Southeasterly right-of-way line of the 125-foot right-of-way of the Flomich Avenue Extension, as described in Official Records Book 367, Pages 68 and 69, of the Public Records of Volusia County, Florida, said point lying in a curve, concave Northwesterly, and having a radius of 2197.01 feet; thence Northeasterly along the arc of said curve, a distance of 760 feet more or less to a point of intersection with the easterly line of Flomich Avenue Extension and the northerly line of Wright Street, a 50-foot right-of-way as shown on said plat of Westwood Heights, Unit Two; thence easterly, along the northerly line of said Wright Street, a distance of 160 feet more or less, to an intersection with the easterly right-of-way line of the aforementioned Florida Power & Light Company Easement, thence northerly along said easterly right-of-way line, a distance of 340 feet more or less to a point in the said easterly line of Flomich Avenue Extension, thence northeasterly along the easterly line of said Flomich Avenue Extension a distance of 340 feet more or less to a point of intersection with a point in the easterly line of Elgin Street, a 50-foot right-of-way as shown on said plat of Westwood Heights, Unit Two; thence northerly along said easterly line of said Elgin Street and southerly extension thereof, to a point of intersection with the westerly line of said Flomich Avenue Extension and the southerly point of Lot 98, in said Westwood Heights Unit 2; thence northerly along the easterly line of said Lot 98 to a point 75 feet southerly of the North line of said Westwood Heights, Unit Two; thence westerly along a line 75 feet southerly and parallel to the North line of said Westwood Heights, Unit Two; thence westerly along a line 75 feet southerly and parallel to the North line of said Westwood Heights to a point in the easterly line of said Elgin Street; thence northerly along the said easterly line of Elgin Street to a point in the North line of said Westwood Heights, Unit Two, being also the North line of the Southwest $\frac{1}{4}$ of Section 33, Township 14 South, Range 32 East; thence Westerly along the North line of the Southwest $\frac{1}{4}$ of Section 33 and along the North line of the Southeast $\frac{1}{4}$ of Section 32, Township 14 South, Range 32 East a distance of 3170 feet; thence Southerly along the East line of the West $\frac{1}{4}$ of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 32 a distance of 2120 feet to a corner of that parcel of land deeded from Tomoka Land Company to the County of Volusia, as described in Official Records Book 1044, Page 531, of the Public Records of Volusia County, Florida; thence Easterly along the Northerly line of said parcel a

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

distance of 331.18 feet to the Northeasterly corner of said parcel; thence Southerly along the Easterly line of said parcel a distance of 105.18 feet to the Northwesterly corner of that parcel of land deeded from Consolidated-Tomoka Land Co. to the County of Volusia as described in Official Records Book 3461 Page 0588 of the Public Records of Volusia County, Florida, thence Easterly along the Northerly line of that said parcel of land deeded from Tomoka Land Company to the County of Volusia as described in Official Records Book 1044, Page 531 a distance of 300 feet; thence Southerly along the Easterly line of said parcel of land a distance of 600 feet to the Southeasterly corner of that parcel of land deeded from Consolidated-Tomoka Land Co. to the County of Volusia as described in Official Records Book 3461 Page 0588 of the Public Records of Volusia County, Florida, being also the Southerly line of said Section 32; thence continuing Southerly along the aforementioned line a distance of 125 feet more or less to a point in the Southerly right-of-way line of said Flomich Avenue Extension; thence run Westerly, along the Southerly line of said Flomich Avenue Extension, a distance of 4900 feet, more or less, to a point therein, said point also lying in the Westerly right-of-way line of Williamson Boulevard, a 130-foot wide right-of-way as described in Official Records Book 894, Pages 667-668, of the Public Records of Volusia County, Florida; thence Northerly and Westerly along the Westerly right-of-way line of Williamson Boulevard, a 130-foot wide right-of-way as described in Official Records Book 894, Pages 667-668, Public Records of Volusia County, Florida, a distance of 3500 feet more or less to a point of intersection with the Northerly line of the Municipal Services Area Boundary Line, as described in the City of Daytona Beach Resolution Number 81-92, dated August 18, 1981, said point lying on the Southwesterly prolongation of the center line of Block 6, Mary C. Fleming subdivision, as per map recorded in Map Book 1, Page 1, of the Public Records of Volusia County, Florida; thence southwestwardly along the said Northerly line of the Municipal Services Area Boundary Line, a distance of 2500 feet more or less to a point of intersection with the Easterly right-of-way line of the 300-foot wide right-of-way of State Road 9 (U.S. Highway I-95), as shown on Florida State Road Department Right-of-Way Map section 79002-2402, page 3 of 4, dated April 25, 1963; thence South $16^{\circ} 57' 20''$ East along the said Easterly right-of-way line of State Road 9 a distance of 600 feet more or less; thence Easterly along the Northerly line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 31 a distance of 700 feet more or less to the Northeast corner of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 31; thence Southerly along the Easterly line of the Southeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 31 a distance of 1445 feet more or less to a point lying 125 feet Southerly of the Southeast corner of the Southwest $\frac{1}{4}$ of said Section 31; thence run Westerly, along the Southerly right-of-way line of said Flomich Avenue Extension, said line lying 125 feet South of the North line of Section 4, Township 15 South, Range 32 East, a distance of 1300 feet, more or less, to the West line of said Section 4, being also the East line of Section 5, Township 15 South, Range 32 East; thence run Southerly, along the Westerly line of said Section 4, a distance of 3960 feet, more or less, to the Northwest corner of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 4, thence run Easterly

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

along the Northerly line of said Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$, a distance of 1320 feet, more or less, to the Northeast corner thereof; thence run Southerly, along the East line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 4, and the East line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 9, Township 15 South, Range 32 East, a distance of 2600 feet, more or less, to the Southeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 9; thence run Westerly, along the Southerly line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 9, a distance of 1300 feet, more or less, to the southwest corner thereof, said point also being the Southeast corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 8, Township 15 South, Range 32 East; thence run Westerly, along the Southerly line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 8, a distance of 1300 feet, more or less, to the Southwest corner thereof; thence run Northerly, along the West line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 8, a distance of 1300 feet, more or less, to the Northwest corner thereof, said point also being the Southwest corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 5, Township 15 South, Range 32 East; thence run Northerly, along the West line of the East $\frac{1}{4}$ of Section 5, a distance of 4000 feet, more or less, to the Southwest corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 5; thence run Westerly, along the South line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 5, a distance of 1300 feet, more or less, to the Southwest corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 5; thence run Southerly, along the Easterly line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 5, a distance of 1300 feet, more or less, to the Southeast corner thereof; thence run Westerly, along the South line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 5, a distance of 1300 feet, more or less, to the Southwest corner thereof; thence run Northerly, along the West line of the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 5, a distance of 1300 feet, more or less, to the Northwest corner thereof; thence run Westerly, along the South line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 5, a distance of 1300 feet, more or less, to the Southwest corner thereof, said point also being the Southeast corner of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Township 15 South, Range 32 East; thence run Westerly, along the South line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 6, a distance of 1300 feet, more or less, to the Southwest corner thereof; thence run Northerly, along the West line of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 6, a distance of 700 feet, more or less, to an intersection with the Southwesterly projection of the center line of Block 6, Mary C. Fleming Subdivision, as per map recorded in Map Book 1, Page 1, of the Public Records of Volusia County, Florida, said line being the same as described in City of Daytona Beach Resolution Number 81-92 and amended by City of Daytona Beach Resolution 91-186 and City of Ormond Beach Resolution 91-97; thence run Southwesterly, across Section 6, Township 15 South, Range 32 East, and Section 1, Township 15 South, Range 31 East, a distance of 6000 feet, more or less, to a point Southerly of the Southwest corner of Section 35, Township 14 South, Range 31 East, said point being at the intersection of the Southerly projection of the Westerly line of said Section 35 and a Westerly projection of the center line of Block 6, Mary C. Fleming

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Subdivision, as per map recorded in Map Book 1, Page 1, of the Public Records of Volusia County, Florida, said point of intersection also being the same as described in City of Daytona Beach Resolution Number 81-92 and amended by City of Daytona Beach Resolution 91-186 and City of Ormond Beach Resolution 91-97; thence run Westerly, parallel with the South lines of Sections 1 and 2, Township 15 South, Range 31 East, a distance of 9000 feet, more or less, to an intersection with the West line of said Section 2; thence run Southerly, along the West line of said Section 2, a distance of 2000 feet, more or less, to the Southwest corner thereof, said point also being the Northeast corner of Section 10, Township 15 South, Range 31 East; thence run Westerly, along the North lines of Sections 10 and 9, a distance of 9000 feet, more or less, to the Northeast corner of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 9; thence run Southerly, along the Easterly line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 9, a distance of 2640 feet, more or less, to the Southeast corner thereof; thence run Westerly, along the Southerly line of the West $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 9, a distance of 1300 feet, more or less, to the Southwest corner thereof; thence run Southerly, along the Westerly lines of Sections 9 and 16, a distance of 7900 feet, more or less, to the Southwest corner of said Section 16, Township 15 South, Range 31 East; thence run Easterly, along the Southerly lines of Sections 16, 15, and 14, a distance of 11,900 feet, more or less, to the Northwest corner of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 23, Township 15 South, Range 31 East; thence run Southerly, along the Westerly line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 23, a distance of 2640 feet, more or less, to the Southwest corner thereof; thence run Easterly, along the Southerly line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 23, a distance of 1320 feet, more or less, to the Northwest corner of the Southeast $\frac{1}{4}$ of said Section 23; thence run Southerly, along the Westerly line of the Southeast $\frac{1}{4}$ of said Section 23, a distance of 2640 feet, more or less, to the Southwest corner thereof; thence run Easterly, along the Southerly line of said Section 23, a distance of 1320 feet, more or less, to the Northwest corner of the East $\frac{1}{4}$ of Section 26, Township 15 South, Range 31 East; thence run Southerly, along the West line of the East $\frac{1}{4}$ of said Section 26, a distance of 5280 feet, more or less, to the Southwest corner of the East $\frac{1}{4}$ of said Section 26, thence run Easterly, along the Southerly lines of Sections 26 and 25, a distance of 2640 feet, more or less, to the Northwest corner of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of Section 36, Township 15 South, Range 31 East; thence run South $00^{\circ} 34' 11''$ East, along the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 36, a distance of 2578.13 feet to a point therein; thence, departing said West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 36, run North $89^{\circ} 29' 30''$ East, a distance of 1228.67 feet to a point; thence run North $00^{\circ} 30' 25''$ West a distance of 1929.52 feet to a point; thence run North $89^{\circ} 29' 30''$ East a distance of 660.00 feet to a point; thence run South $00^{\circ} 30' 25''$ East a distance of 660.00 feet to a point; thence run North $89^{\circ} 29' 30''$ East a distance of 659.92 feet to a point; thence South $00^{\circ} 30' 25''$ East a distance of 1319.52 feet to a point; thence run South $89^{\circ} 29' 30''$ West a distance of 2548.54 feet to a point in the West line of the East $\frac{1}{2}$ of the Northwest $\frac{1}{4}$ of said Section 36; thence

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

run South 00° 34' 11" East, along the West line of the East ½ of the Northwest ¼ of said Section 36, a distance of 241.32 feet to the Southwest corner thereof; thence run North 89° 31' 28" East, along the South line of the East ½ of the Northwest ¼ of said Section 36, a distance of 668.54 feet to the Northwest corner of the East ¼ of the Southwest ¼ of said Section 36; thence run Southerly, along the West line of the East ¼ of the Southwest ¼ of said Section 36, a distance of 2640 feet, more or less, to the South line of said Section 36; thence run Easterly, along the Southerly line of said Section 36, to the Easterly right-of-way line of Indian Lake Road, a 100-foot right-of-way as described in Official Records Book 1866, Page 988, of the Public Records of Volusia County, Florida; thence run South 16° 25' 27" East, along the Easterly right-of-way line of said Indian Lake Road, a distance of 961.30 feet, to a point therein; thence run North 66° 27' 08" East a distance of 1882.86 feet to a point; thence run South 21° 40' 09" East, along a Northerly extension of and also the Easterly line of that parcel of land deeded from Consolidated-Tomoka Land Company to Daytona Auto Auction, a distance of 3162.53 feet to the Northerly right-of-way line of the Old Daytona-Deland Road; thence run Easterly, along the Northerly right-of-way line of the Old Daytona-Deland Road, a distance of 3200 feet, more or less, to the West line of Section 5, Township 16 South, Range 32 East; thence run Northerly, along the West line of said Section 5, being also the West line of that parcel of land deeded from Tomoka Land Company to the Florida Board of Forestry, a distance of 831 feet to a point therein; thence run Easterly and parallel with the North line of said Section 5, being also the North line of the Florida Board of Forestry property, a distance of 1320 feet to the Northeasterly corner thereof; thence run southerly, and parallel with the West line of said Section 5, being also the East line of the Florida Board of Forestry property, a distance of 241 feet to a point in the Northerly right-of-way of aforementioned old Daytona-Deland Road; thence run Easterly, along the Northerly right-of-way line of the Old Daytona-Deland Road, a distance of 2600 feet, more or less, to the Southwest corner of the parcel of land owned by Russ Rabe; thence run Northerly, along the West line of the Rabe property, a distance of 858.38 feet to the Northwest corner thereof, said point also lying in the Northerly line of Section 5, Township 16 South, Range 32 East, being also the Southerly line of Section 32, Township 15 South, Range 32 East; thence run Westerly, along the Southerly line of said Section 32, a distance of 2509 feet, more or less, to the Southwest corner of the East ½ of the Southwest ¼ of said Section 32; thence run Northerly, along the West line of the East ½ of the southwest ¼ of said Section 32, a distance of 2640 feet, more or less, to the Northeast corner thereof; thence run Easterly, along the North line of the South ½ of said Section 32, a distance of 2640 feet, more or less, to the Northeast corner of the West ½ of the Southeast ¼ thereof; thence run Southerly, along the Easterly line of the West ½ of the Southeast ¼ of said Section 32, a distance of 2640 feet, more or less, to the Southeast corner thereof; thence run Easterly, along the Southerly line of said Section 32, a distance of 69.321 [feet] to the Northeast corner of the aforementioned Rabe property; thence run Southerly, along the Easterly line of said Rabe property, a distance of 756.81 feet to the Southeasterly

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

corner thereof, said point lying in the Northerly right-of-way line of the aforementioned Old Daytona-Deland Road; thence continuing Southerly along the Easterly line of said Rabe property extended to a point in the Southerly line of said State Road 600; thence South 50° 51' 45" West along the Southerly right-of-way line of said State Road 600 to a point 1169.82 feet from a point of intersection with the Easterly line of Section 5, Township 16 South, Range 32 East; thence South 39° 08' 17" East a distance of 15.94 feet to the P.C. of a curve concave Southeast and having a radius of 11389.20 feet; thence from a tangent bearing of South 50° 48' 45" West run Southwesterly along the arc of said curve through a central angle of 5° 00' 00" a distance of 993.895 feet to the P.T. of said curve; thence South 45° 48' 45" west a distance of 138.19 feet to the P.C. of a curve concave Southeast and having a radius of 1840.08 feet; thence departing the Southerly right-of-way line of said U.S. 92 and merging into the Easterly right-of-way line of that portion of Roadway connecting said U.S. 92 and Interstate Highway No. 4, run Southwesterly and Westerly along the arc of said curve through a central angle of 45° 47' 00" a distance of 1470.35 feet to the P.T. of said curve, thence South 0° 01' 45" West a distance of 247.09 feet; thence South 89° 58' 15" East a distance of 24.00 feet; thence South 0° 01' 45" West a distance of 1088.79 feet to the point of intersection of the Easterly right-of-way line of said connecting road and the Northerly right-of-way line of said I-4, a 300-foot right-of-way; thence North 64° 15' 15" East along the Northerly right-of-way line of said I-4, a distance of 3669.14 feet, to a point on the North line of the South ½ of said Section 4; thence departing the Northerly right-of-way line of said I-4, run North 88° 46' 29" West along the Northerly line of the South ½ of said Section 4, a distance of 981.62 feet, to the Northwest corner of the South ½ of said Section 4; thence departing the Northerly line of the South ½ of said Section 4, run North 01° 06' 26" West along the West line of Section 4 and the East line of said Section 5, a distance of 2588.01 feet to a point in the Southerly line of said State Road 600; thence Northeasterly along the southerly line of said State Road 600 to a point 1,000 feet westerly of the west line of "Salvage Yard" property; thence S 0° 43' 37" E, a distance of 2878.05 feet to a point in the south line of Section 33, Township 15 South, Range 32 East, Volusia County, Florida; thence S 89° 51' 21" E, along said south section line, a distance of 784.51 feet; thence N 0° 43' 37" W along the said west line of the "Salvage Yard" property and extension southerly thereof, a distance of 3510.21 feet to a point in the said southerly right-of-way line of U.S. 92, thence northeasterly along the said southerly line of U.S. 92 to a point of intersection with a point on the said southerly line of State Road 600, which point is 132 feet easterly and at a right angle to the West line of Section 34, Township 15 South, Range 32 East; thence departing said southerly line of State Road 600 run Southerly along a line parallel to the said Westerly line of Section 34 a distance of 1944.47 feet; thence Westerly at a right angle to the aforementioned line, a distance of 132 feet to a point in the said Westerly line of Section 34; thence Southerly along the said Westerly line of Section 34 a distance of 20 feet; thence Easterly and at a right angle to the said Westerly line of said Section 34 a distance of 239 feet more or less; thence Northerly and parallel to the said Westerly line of Section

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

34 a distance of 2050 feet more or less to a point in the Southerly line of said State Road 600; thence Northerly along the Easterly line of said State Road 600 a distance of 1570 feet more or less to a point of intersection with the center line of the Tomoka River; thence northerly and across said State Road 600 and along the center line of said Tomoka River, a distance of 1,300 feet more or less to a westerly extension of the southerly line of a 55-foot Florida State Department of Transportation easement recorded in Circuit Court Minute Book 81, Page 150 and Book 102, Page 96, Public Records of Volusia County, Florida; thence North $88^{\circ} 10' 36''$ East along said westerly extension and southerly easement line to a point 301.58 feet westerly of its intersection with the northwesterly right-of-way of State Road 600 (U.S. 92), as now laid out and as shown on sheet 4 of 5 of the Florida State Road Department right-of-way map for Section 79002-2401; thence South $1^{\circ} 49' 24''$ East 273.22 feet to a point in the aforementioned northwesterly right-of-way of State Road 600 (U.S. 92); thence northeasterly along said right-of-way of State Road 600 (U.S. 92) to the intersection of the easterly right-of-way line of Lease C2CA-6007, site 24 to the United States Government; thence North $17^{\circ} 18' 00''$ East along said line a distance of 1452.1 feet to a point; thence South $65^{\circ} 08' 15''$ East a distance of 967.08 feet to a point in the northwesterly right-of-way line of said State Road 600 (U.S. 92); thence southwesterly along the said northwesterly right-of-way of State Road 600 (U.S. 92) a distance of 300 feet; thence North $65^{\circ} 08' 15''$ West a distance of 150 feet; thence South $24^{\circ} 51' 45''$ West and parallel to the aforesaid northwesterly right-of-way line of State Road 600 (U.S. 92) a distance of 200 feet; thence South $65^{\circ} 08' 15''$ East, a distance of 150 feet to a point in the said northwesterly right-of-way line of State Road 600 (U.S. 92); thence southwesterly along the said northwesterly right-of-way of State Road 600 (U.S. 92) to a point radially opposite Station 15+03.89 of Ramp "I" as laid out and shown on sheet 4 of 5 of the State of Florida Road Department right-of-way map for Section 79002-2401; thence southeasterly across said State Road 600 (U.S. 92) a distance of 200 feet to a point in the southeasterly right-of-way line of said State Road 600 (U.S. 92) and also a beginning of a curve concave to the northwest having a radius of 2959.93 feet; thence southwesterly 178.70 feet along said curve to a point in the northeasterly line of Tomoka Farms Road, a County road as now laid out; thence South $14^{\circ} 44' 58''$ East along said Tomoka Farms Road a distance of 109.94 feet to a point in the northerly right-of-way line of Old Deland-Daytona Beach Road as laid out and established; thence North $64^{\circ} 27' 10''$ East along said northerly right-of-way line of Old Deland-Daytona Beach Road a distance of 1111.34 feet to a point in the northwesterly right-of-way of said Ramp "I"; thence northeasterly across State Road 9 (I-95) as now laid out and as shown on sheet 4 of 5 of the State of Florida Road Department right-of-way map for Section 79002-2401, to a point in the easterly right-of-way line of Ramp "K", as laid out and shown on the aforementioned State of Florida Road Department right-of-way map, where it intersects the northerly right-of-way line of said old DeLand-Daytona Beach Road; thence northeasterly along said northerly right-of-way line of Old DeLand-Daytona Beach Road to a point of intersection with the westerly line of the Samuel Williams

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

grant; thence southerly along the aforementioned line to a point in the southerly line of said Old Deland-Daytona Beach Road; thence easterly along the aforesaid southerly line where it intersects the west line of Section 25; thence southerly along the said west line of Section 25 to a point of intersection of the southerly line of said Samuel Williams grant; thence in a southwesterly direction along the south line of said Samuel Williams grant to the southwesterly corner thereof; thence northwesterly along the westerly line of said Samuel Williams grant to a point 50 feet south of Old Deland-Daytona Beach Road; thence southwesterly along a line 50 feet south and parallel to the south right-of-way line of the Old Deland-Daytona Beach Road to a point in the easterly line of Block 16, Unit 1, Daytona Park Subdivision, as recorded in Map Book 10, Page 27, P.R.V.C.F.; thence south along the aforementioned line to the southeast corner thereof; thence west along the south line of said Block 16, Unit 1 to the southwest corner thereof; thence north along the west line of the said Block 16, Unit 1 to a point 50 feet southerly of Old Deland-Daytona Beach Road, thence westerly along a line 50 feet south of and parallel to the Old Deland-Daytona Beach Road to a point in the easterly line of Williamson Boulevard; thence southerly along the east right-of-way line of said Williamson Boulevard to a point 50 feet south of the south right-of-way of Old Deland-Daytona Beach Road; thence southwesterly along the aforementioned line to a point which is 1275 feet west of the east line of Section 27; thence southerly along the aforementioned line and along a line 1275 feet west of and parallel to the east line of said Section 27 to a point of intersection with the easterly right-of-way of State Road 9 (I-95) as now laid out and as shown by the State of Florida Road Department on right-of-way map Section 79002-2401; thence southerly along the said easterly line of State Road 9 (I-95) to a point of intersection with the south line of said Section 27; thence easterly along the south line of said Section 27 and along the south line of Section 26 to a point 528.93 feet east of the southwest corner of said Section 26; thence N 28° 16' 44" E a distance of 328.00 feet to a point in the southerly right-of-way of Williamson Boulevard (East Coast Beltline), a 200-foot right-of-way; thence S 61° 43' 16" E along said southerly right-of-way of Williamson Boulevard, a distance of 405.63 feet; thence S 28° 16' 44" W, a distance of 101.56 feet to a point in the south line of said Section 26, which point lies 993.48 feet east of the west line of said Section 26; thence in an easterly direction along the said south line of Section 26 approximately 53.7 feet to a line which is parallel to and 1047.16 feet east of the west line of Section 35; thence southerly along the aforementioned line to a point being 250 feet northerly of, as measured at a right angle to, the northerly right-of-way of Beville Road (State Road 400) a 200-foot right-of-way as now laid out; thence southwesterly and parallel with said northerly right-of-way of Beville Road to a point on the south line of the northerly 480 feet of Section 36, Township 15 South Range 32 East, Volusia County, Florida, said point being 664.6 feet east of the west line of Section 36, Township 15 South, Range 32 East; thence North 88° 47' 03" West a distance of 257.9 feet; thence South 25° 35' 29" East a distance of 116.3 feet to a point, said point being 250 feet northerly of, as measured at a right angle to, the northerly right-of-way of Beville Road (State Road

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

400), a 200-foot right-of-way as now laid out; thence southwesterly and parallel with said northerly right-of-way of Beville Road to the easterly right-of-way of State Road 9 (I-95) as now laid out and as shown on sheet 1 of 5 of the State of Florida Road Department right-of-way map Section 79002-2401; thence easterly along said right-of-way of State Road 9 to the easterly end of the limited access right-of-way on the northerly side of said Beville Road as shown on said State Road Department right-of-way map; thence southeasterly across said Beville Road to the easterly end of the limited access right-of-way on the southerly side of said Beville Road as shown on said State Road Department right-of-way map; thence southwesterly along said easterly right-of-way of State Road 9 to the point where said right-of-way is intersected by a line parallel with said Beville Road, said line being 250 feet southerly of the southerly right-of-way of said Beville Road as measured at a right angle thereto; thence run along the easterly right-of-way line of said I-95 the following courses and distances; from the point on the arc of said curve run southerly along the arc of said curve through a central angle of 47° 42' 41" a distance of 603.31 feet to the P.T. of said curve; thence South 22° 09' 59" East a distance of 370.74 feet; thence South 26° 39' 59" East a distance of 6846.99 feet to the P.C. of a curve concave northeast, having a radius of 7639.53 feet and a chord bearing of South 39° 09' 35" East; thence run southerly along the arc of said curve through a central angle of 24° 59' 12" a distance of 3331.61 feet to the northerly right-of-way line of a Florida Power & Light Company easement, as granted by document recorded in Official Records Book 1664, Page 448, of the Public Records of Volusia County, Florida; thence departing the easterly right-of-way line of said I-95, run South 89° 59' 15" East along the northerly right-of-way line of said Florida Power & Light Company easement a distance of 2135.08 feet; thence departing the northerly right-of-way line of said Florida Power & Light Company, run North 25° 35' 29" West a distance of 516.77 feet to the P.C. of a curve concave northeast, having a radius of 6814.66 feet and a chord bearing of North 20° 39' 18" West; thence run northerly along the arc of said curve through a central angle of 90° 52' 23" a distance of 1174.28 feet to the P.T. of said curve; thence North 15° 43' 06" West a distance of 1055.00 feet to the P.C. of a curve concave southwest, having a radius of 2971.78 feet and a chord bearing of North 27° 38' 55" West; thence run northerly along the arc of said curve through a central angle of 23° 51' 38" a distance of 1237.58 feet to the P.T. of said curve; thence North 39° 34' 44" West a distance of 558.56 feet; thence North 50° 25' 16" East a distance of 291.41 feet to the P.C. of a curve concave southeast, having a radius of 1937.10 feet and a chord bearing of North 70° 17' 07" East; thence northeasterly along the arc of said curve through a central angle of 39° 43' 41" a distance of 1343.16 feet to the P.T. of said curve; thence, South 89° 51' 03" East a distance of 2207.12 feet to a point on the center line of the main drainage canal as described in Official Record Book 847, Pages 438 and 439 of the Public Records of Volusia County, Florida; thence along the center line of said canal the following courses and distances: North 00° 08' 57" East a distance of 3,160.83 feet to the south line of aforesaid Section 36, Township 15 South, Range 32 East; thence North 00° 06' 59" East a distance of 1650.00 feet; thence

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

departing the center line of said canal South 89° 52' 00" East along the north line of the south 1650.00 feet of said Section 36; thence run North 10° 25' 09" West along the east line of said Section 36, a distance of 1.18 feet; thence South 88° 45' 19" East parallel with the south line of said Section 31, Township 15 South, Range 33 East a distance of 2737 feet more or less to the east line of Government Lot 6; thence northerly along the east line of Government Lot 6 to the northeast corner of said Lot 6; thence North 89° 50' 50" West a distance of 122.19 feet to a point 25 feet westerly of the center line of Old Kings Road; thence North 00° 30' 29" East, a distance of 439.72 feet; thence North 89° 55' 38" West, a distance of 968.83 feet to a point in the easterly line of Clyde Morris Boulevard; thence South 00° 16' 06" East along the said easterly line of Clyde Morris Boulevard, a distance of 192.18 feet to the point of curvature of a curve to the left, said curve having a radius of 1859.86 feet; thence southerly along said curve, a distance of 247.03 feet or through a central angle of 07° 36' 36", and a chord bearing of South 04° 04' 24" East; thence North 89° 50' 50" West, a distance of 313.26 feet to the northeast corner of Government Lot 5 of said Section 31; thence North 00° 52' 29" West along the west line of Government Lot 3, Section 31, Township 15 South, Range 33 East, a distance of 438.00 feet to the south line of the north two-thirds of the south one-half of Government Lot 3; thence South 89° 55' 38" East along the aforementioned line, a distance of 347.94 feet to a point 46.45 feet easterly of the east right-of-way of Clyde Morris Boulevard; thence North 00° 52' 29" West, a distance of 876.97 feet to the north line of the south one-half of Government Lot 3, Section 31, Township 15 South, Range 33 East; thence easterly along said line a distance of 141.28 feet to the southwest corner of Pine Forrest Subdivision Addition 2 recorded in Map Book 23, Page 127, Public Records of Volusia County, Florida; thence north along the west line of said Pine Forrest Subdivision Addition 2 and along the west line of Pine Forrest Subdivision unrecorded a distance of 1965 feet to the northwest corner of said Pine Forrest Subdivision unrecorded; thence east along the north line of said unrecorded subdivision a distance of 888 feet to the west line of Government Lot 5, Section 30, Township 15 South, Range 33 East; thence south along said west line of Government Lot 5, a distance of 641.5 feet to the southwest corner of said Government Lot 5, said point being also the northwest corner of Government Lot 2, Section 31, Township 15 South, Range 33 East; thence south 1158.57 feet along the westerly line of said Government Lot 2 to the northerly right-of-way of Big Tree Road, as now occupied; thence northeasterly 1785.43 feet along the northerly right-of-way of Big Tree Road, across Government Lot 2 and Government Lot 1, Section 31, Township 15 South, Range 33 East, to the southwesterly line of Town of Blake Subdivision as recorded in Deed Book "E", Page 150, Public Records of Volusia County, Florida; thence southeasterly and along the southwesterly line of said Daytona Estates Replat a distance of 473.75 feet to the northerly line of said Government Lot 1; thence west 10.54 feet along the north line of said Government Lot 1 to the northeast corner of said Government Lot 2, said point being also the southeast corner of aforesaid Government Lot 5, Section 30, Township 15 South, Range 33 East; thence northwesterly 662.32 feet along the easterly line of

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

said Government Lot 5 to the southwesterly corner of lot 156 of Blakes Subdivision of Record in Deed Book "E", Page 150, Public Records of Volusia County, Florida; thence northeasterly along the southeasterly line of said lot 156, per final decree in Chancery No. 26, 714 of Record in Chancery Order Book 202, Page 681 in office of Circuit Court, Volusia County, Florida, a distance of 2207.58 feet to the westerly right-of-way of a public road formerly known as Canal Road and now commonly referred to as Nova Road (SR 5-A) as now laid out; thence northwesterly along the westerly right-of-way of Nova Road 907.1 feet to the northeasterly line of Lot 158 of aforementioned Blakes Subdivision; thence southwesterly along the northwesterly line of said Lot 158 a distance of 321.11 feet to the center line of an abandoned 60-foot street shown on said plat of Blakes Subdivision as Restarrick Avenue; thence northwesterly along the center line of said Restarrick Avenue 302.18 feet to the northeasterly extension of the northwesterly line of Lot 159 of said Blakes Subdivision; thence southwesterly along the northwesterly extension of the northwesterly line of said Lot 159 and the northwesterly line of said Lot 159 a distance of 1905.75 feet along the easterly line of said Government Lot 5 a distance of 301.56 feet to the southerly line of Lot 161, of Blake's Subdivision of record in Deed Book "E", Page 150, Public Records of Volusia County, Florida; thence easterly along the southerly line of said Lot 161 a distance of 1865 feet more or less to a point 11.1 feet westerly of the southeasterly corner of said Lot 161; thence northerly and parallel with the easterly line of Lots 161, 162 and 163 of said Blake's Subdivision to the westerly extension of the southerly line of the northerly 200 feet of Lot 137 and a westerly extension thereof, to the center line of Nova Road (SR 5-A) as now laid out; thence northerly along the center line of Nova Road to the westerly prolongation of the southerly right-of-way line of Beville Road easterly of Nova Road as shown on sheets 6 through 8 of the official State of Florida right-of-way map for SR 400 Section 79001-2501 and as now laid out; thence easterly along said westerly prolongation of the southerly right-of-way of Beville Road and along said southerly right-of-way of Beville Road to the westerly line of Lot 2, Block 11 of the Country Club Gardens Subdivision as shown on the plat recorded in Map Book 7, Page 59, Public Records of Volusia County, Florida; thence southerly along said westerly line of Lot 2, Block 11, to the southwesterly corner of said Lot 2, Block 11; thence easterly along the southerly line of Lots 2 and 3, Block 11 of said Country Club Gardens to the southeasterly corner of said Lot 3; thence northerly along the easterly line of said Lot 3, Block 11 to the aforesaid southerly line of Beville Road; thence along said southerly right-of-way line of Beville Road to the westerly right-of-way of Ridgewood Avenue (SR 5) as now laid out; thence easterly across said Ridgewood Avenue to the intersection of the easterly right-of-way of said Ridgewood Avenue with the southerly right-of-way of Beville Road as now laid out easterly of said Ridgewood Avenue; thence easterly along said southerly line of Beville Road and an easterly extension thereof, to the main channel of the Halifax River; thence southeasterly with the main channel of the Halifax River to a point of intersection with the southerly line of Lot 19, River Ridge Estates, recorded in Map Book 9, Page 205, Public Records of Volusia County, Florida,

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

extended westerly; thence easterly along the aforementioned extended line and along said southerly line of Lot 19 to the southeasterly corner thereof and the westerly line of South Peninsula Drive, a 50-foot street as now laid out and used; thence continue easterly across said South Peninsula Drive to the easterly line thereof and a point of intersection with the north line of Thames Avenue, a 50-foot street as now laid out and used; thence southerly across Thames Avenue to the southeast corner of Thames Avenue and South Peninsula Drive; thence easterly along the southerly line of Thames Avenue to the northwest corner of Lot 87 in River Ridge Estates, recorded in Map Book 9, Page 205, Public Records of Volusia County, Florida; thence southerly along the westerly line of Lots 87 and 88 in said River Ridge Estates to the southwest corner of said Lot 88; thence easterly along the southerly line of said Lot 88 to the southeast corner thereof and the west line of River Ridge Drive, a 50-foot right-of-way as now laid out and used; thence northerly along said west line of River Ridge Drive to the intersection of the southerly line of Thames Avenue; thence easterly across River Ridge Drive and along the southerly line of Thames Avenue to a point in the westerly line of South Atlantic Avenue (A-1-A) an 80-foot State Right-of-Way as now laid out and used; thence northerly along the said westerly line of Atlantic Avenue (A-1-A) to a point of intersection with the center line of Richards Lane; thence westerly along the said center line of Richards Lane and along the said center line of Richards Lane extended westerly to the easterly shore line of the Halifax River; thence northerly along the said easterly shore line to a point of intersection with the northerly line of a 66-foot wide County right-of-way situated in U.S. Lot 4, Section 22, Township 15 South, Range 33 East, in said Volusia County; thence easterly along the northerly line of said 66-foot wide County right-of-way to a point in the westerly line of South Peninsula Drive; thence northerly along said westerly right-of-way line to a point of intersection with the Northerly line of an 80-foot County right-of-way line extended westerly; thence easterly across South Peninsula Drive to the easterly side thereof; thence northerly along the easterly line of South Peninsula Drive, said point being 466.58 feet southerly as measured along said South Peninsula Drive, of the South line of Beachcomber Street, as shown on C.N. Morris Subdivision, as recorded in Map Book 1, Page 118, Public Records of said Volusia County; thence easterly to a point in the westerly line of Lot 78, Mardel Beach Addition #2, recorded in Map Book 27, Page 146, Public Records in said Volusia County, said point being 52.29 feet southerly of the northwest corner of said Lot 78; thence northerly along the westerly line of said Lots 78, 79 and 80 in said Mardel Beach Subdivision to the northwest corner of said Lot 80; thence easterly along the northerly line of said Lot 80 to the northeast corner thereof and the easterly line of Berkeley Terrace as shown on map of said Mardel Beach Addition 12; thence southerly, easterly, westerly and northerly along the aforesaid right-of-way to the southwest corner of Lot 72 in said Mardel Beach Addition #2; thence easterly along the south line of said Lot 72 to the southeast corner thereof; thence northerly along the east line of said Lot 72 to the northeast corner thereof; thence westerly along the north line of said Lot 72 to the easterly line of said Berkeley Terrace; thence northerly along the easterly line of said

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Berkeley Terrace to the northwest corner of Lot 71; thence easterly along the north line of said Lot 71 to the northeast corner thereof; thence northerly along the easterly line of Lots 69 and 70 to the southerly line of Beachcomber Street; thence easterly along the southerly line of Beachcomber Street to a point which is 200 feet westerly, as measured along the aforementioned southerly line of Beachcomber Street from the west line of South Atlantic Avenue and/or State Road A-1-A, an 80-foot street as now laid out; thence northerly across said Beachcomber Street and parallel to the aforesaid west line of South Atlantic Avenue and across Lots 26 through 40, inclusive, of C. N. Morris Subdivision as recorded in Map Book 1, Page 118 to a point in the north line of Lot 26, C. N. Morris Subdivision; thence westerly along the said north line of Lot 26 to a point which is 277.5 feet westerly as measured along the aforesaid lot line, from the west line of said South Atlantic Avenue; thence northerly and at right angles to the aforementioned lot line to a point in the southerly line of Dundee Road; thence northwesterly across said Dundee Road to the northerly line thereof, and the southwest corner of Lot 23, Bridgeport Heights Resubdivision recorded in Map Book 9, Page 249; thence northerly along the westerly line of said Lot 23 to the northwest corner thereof; thence easterly along the northerly line of said Lot 23 to the northeast corner thereof and the southeast corner of Lot 17, Block 15 Bridgeport Heights Resubdivision; thence northerly along the easterly line of said Lot 17 to the southerly line of Cheshire Road; thence northerly across said Cheshire Road to the southwest corner of Lot 22, Block 14, in said Bridgeport Heights Resubdivision; thence continuing northerly along the west line of Lots 22 through 18 in said Block 14 to the southerly line of Milton Road; thence northerly across said Milton Road to the southwest corner of Lot 19, Block 13 in said Bridgeport Heights Resubdivision; thence northerly along the westerly line of Lots 19, 18 and 17 in said Block 13, to the northwest corner of Lot 17 in said Block 13, and the southeast corner of Lot 16, Block 5, Bridgeport Heights, Map Book 10, Pages 231 and 232; thence westerly along the southerly line of said Lot 16 to the southeast corner thereof; thence northerly along the westerly line of said Lot 16 to the northwest corner thereof and the southerly line of Harrison Road; thence easterly along the northerly line of said Lot 16, Block 5 to the northeast corner thereof; thence northerly across Harrison Road to the northerly line thereof and the southwest corner of Lot 14, Block 4 in said Bridgeport Heights; thence northerly along the westerly line of Lots 14, 15 and 16 in said Block 4 to the northwest corner of Lot 16, and the south line of Lot 17 and 19, Block 4, to the southwest corner of said Lot 19; thence northerly along the westerly line of said Lot 19 and the westerly line of said Lot 19 extended northerly to the center line of Minerva Road, a 60-foot street; thence westerly along the said center line of Minerva Road to an extension southerly of the west line of Lot 13, Block 3; thence northerly along the southerly extension of the west line of Lot 13 and along the west line of Lot 13 to the southeast corner of Lot 19, Block 3; thence westerly along the south line of Lots 19, 20 and 21, Block 3 to the southwest corner of Lot 21; thence northerly along the west line of said lot 21 to the south line of Bridgeport Road; thence northwesterly across Bridgeport Road to the southwest corner of Lot 16, Block 2; thence northerly along the

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

west line of said Lot 16 to the northwest corner thereof; thence northwesterly to a point in the south line of Lot 5, C. N. Morris Subdivision, Map Book 1, Page 118, said point being 191.2 feet westerly as measured along the aforementioned lot line from the aforesaid westerly right-of-way line of State Road A-1-A; thence northerly and at right angles to the south line of said Lot 5 to a point in the south line of Lindley Road, a 20-foot street as now laid out; said point being 129.0 feet westerly as measured along the south line of said street from the west line of South Atlantic Avenue and/or State Road A-1-A; thence westerly along the south line of said Lindley Road to a point of intersection with a line extended southerly and at right angles to Lindley Road, said line being located 158.4 feet west measured along the north line of Lot 4, C. N. Morris Subdivision from the aforementioned westerly right-of-way line of State Road A-1-A; thence northerly across said Lindley Road and along the aforementioned line to a point in the north line of said Lot 4; thence westerly along the north line of said Lot 4 a distance of 270 feet to the southeast corner of Lot 8, White Subdivision, Map Book 19, Page 115; thence northerly along the east line of said Lot 8 to the northeast corner thereof; thence northwesterly along the easterly line of Lot 8, White Subdivision 2, Map Book 19, Page 128 to the northeast corner thereof and the north line of Lot 2 in said C. N. Morris Subdivision; thence easterly along the said north line of Lot 2 to a point being located 156.45 feet west, measured along the north line of said Lot 2 from the westerly line of South Atlantic Avenue as occupied after realignment to State Road A-1-A; thence northerly to a point in the center line of Bonner Avenue, which point is 145 feet westerly along the said center line of Bonner Avenue, from the west line of the aforementioned State Road A-1-A; thence northwesterly along the center line of said Bonner Avenue to a point of intersection with the center line of Boynton Boulevard extended southerly; thence northerly along the aforementioned center line extension of Boynton Boulevard and along the center line of Boynton Boulevard to the intersection of the center line of Grant Avenue; thence easterly along the said center line of Grant Avenue to the intersection of the center line of Schulte Avenue extended southerly; thence northerly along the aforementioned extended center line and along the center line of said Schulte Avenue to a point of intersection with the south line of Lot 123, Schulte Park, 3rd Subdivision, recorded in Map Book 5, Page 138, extended westerly; thence easterly along the aforementioned extension and along Lots 123, 124, and 125, said Schulte Park 3rd Subdivision, to the southeast corner of said Lot 125; thence northerly along the east line of said Lot 125 to the northeast corner thereof and the south line of Sunrise Boulevard; thence northwesterly across said Sunrise Boulevard to the north line thereof and the southwest corner of Lot 31 in said Schulte Park 3rd Subdivision; thence northerly along Lots 31 and 30 a distance of 65 feet to a point in the west line of said Lot 30; thence westerly and parallel to said Sunrise Boulevard to a point on the east line of Schulte Avenue; thence northerly along the said east line of Schulte Avenue, a distance of 60 feet; thence easterly and parallel to the aforementioned line to a point in the east line of an 18.5-foot alley and the west line of Lot 29; thence northerly along Lots 29, 28, 27 and a portion of Lot 26 to a point of intersection with the south line of Lot 109,

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

Schulte Park 3rd extended easterly; thence westerly along the aforementioned easterly extended line and along the south line of said Lot 109 to the southwest corner thereof and the east line of said Schulte Avenue; thence northerly along the said east line of Schulte Avenue to the northwest corner of said Lot 109 and the east line of a 15-foot alley; thence easterly along the north line of said Lot 109 to the northeast corner thereof; thence easterly across an 18.6-foot alley to the south line of the north 15 feet of Lot 25, Schulte Park 3rd; thence northerly along the west line of the north 15 feet of Lot 25 and along the west line of Lots 24, 23 and 22 to the northwest corner of said Lot 22 and the south line of Park Avenue, a 75-foot street as now laid out and used; thence northeasterly across said Park Avenue to the southeast corner of Lot 34 in said Schulte Park 3rd; thence northerly along the east line of said Lot 34 to the south line of Armstrong Subdivision, recorded in Map Book 9, Page 280; thence continuing northerly along the west line of a 20-foot alley in said Armstrong Subdivision a distance of 20.3 feet; thence southwesterly to the northwest corner of Lot 34 in said Schulte Park 3rd Subdivision; thence continuing southwesterly along the south line of said Armstrong Subdivision to the southwest corner of Lot 10 in said Armstrong Subdivision; thence northerly along the west line of said Lot 10 and Lot 10 extended across Armstrong Street to the southwest corner of Lot 2 in said Armstrong Subdivision; thence northerly along the west line of said Lot 2 to the northwest corner thereof; thence easterly along the north line of Lot 2 and along the north line of the westerly 8 feet of Lot 3; thence southerly and 8 feet easterly and parallel to the west line of Lot 3 and along the aforementioned line extended to the south line of said Armstrong Street; thence easterly along the said south line of Armstrong Street to the northeast corner of Lot 9 in said Armstrong Subdivision; thence northerly along the east line of Lot 3 extended southerly and along the east line of Lot 3 to the northeast corner thereof and the south line of McKeachie Subdivision Plat 2, recorded in Map Book 9, Page 261; thence westerly along the aforementioned line to the southwest corner of Lot 4 in said McKeachie Subdivision; thence northerly along the west line of said Lot 4 to the northwest corner thereof and the south line of Botefuhr Avenue; thence easterly along the said south line of Botefuhr Avenue to a point of intersection with the center line of Marilyn Street extended southerly; thence northerly along the aforementioned extended center line and along the said center line of Marilyn Street to a point of intersection with the center line of Rosalyn Avenue; thence easterly along the said center line of Rosalyn Avenue to a point of intersection with the west line of Lot 2, Rosalyn Park Plat 2 as recorded in Map Book 9, Page 235 extended southerly; thence northerly along the aforementioned extended line and along the west line of Lot 2 and along the west line of Lot 2, Triangle Park as recorded in Map Book 9, Page 252, and along said Lot 2, Triangle Park extended northerly across Frazar Road to the north line thereof, said north line also being the southerly line of Lot 1, Section 16, Township 15 South, Range 33, East; thence easterly along said southerly line of Government Lot 1, and along the easterly prolongation of the said southerly line of Government Lot 1, to a point where it is intersected by a line which runs in a northwesterly direction and parallel with the

EXHIBIT A

2014 Charter Review – Revised Charter (for second reading 8-20-14)

westerly shore line of the Atlantic Ocean and two (2) miles easterly therefrom; thence in a northwesterly direction along the line which is parallel with the westerly shore line of the Atlantic Ocean and two (2) miles easterly therefrom to a point where the last above described line intersects [intersects] the easterly prolongation of the northerly line of section 25, T14S, R32E; thence westerly along the last above described line to the point where the last described line intersects the north line of Ortona Park, Section 3, as shown on plat recorded in Map Book 23, Page 233, Public Records of Volusia County, Florida; thence westerly along said north line of Ortona Park, Section 3, to the point of beginning. All of the above described property lying and being in the County of Volusia, State of Florida.