



# City of Deltona

*Mayor*  
John Masiarczyk, Sr.

*Vice Mayor*  
Heidi Herzberg  
*District 3*

*Commissioners:*

Zenaida Denizac  
*District 1*

Webster Barnaby  
*District 2*

Nancy Schleicher  
*District 4*

Fred Lowry  
*District 5*

Chris Nabicht  
*District 6*

*Acting City Manager*  
William D. Denny

**JOINT MEETING OF THE DELTONA CITY COMMISSION  
AND THE  
CITY'S CHARTER REVIEW COMMITTEE  
TUESDAY, MAY 27, 2014  
5:30 P.M.**

**DELTONA COMMISSION CHAMBERS  
2345 PROVIDENCE BLVD.  
DELTONA, FLORIDA**

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## AGENDA

1. **CALL TO ORDER:**
2. **ROLL CALL – CITY CLERK:**
3. **PLEDGE TO THE FLAG:**  
  
**PUBLIC COMMENTS – Citizen comments limited to items on the agenda  
(4 minutes maximum length per speaker)**
4. **BUSINESS:**
  - A. **Discussion re: Charter question relating to sanctions against Commissioners for violating the Charter.**
5. **ADJOURNMENT**

**NOTE:** If any person decides to appeal any decision made by the City Commission and/or the Beautification Advisory Board with respect to any matter considered at this meeting or hearing, he/she will need a record of the proceedings, and for such purpose he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk, Joyce Raftery 48 hours in advance of the meeting date and time at (386) 878-8500.

**Deltona Municipal Complex 2345 Providence Blvd. Deltona, FL 32725  
(386) 878-8100; FAX: (386) 878-8501  
City Webpage: [www.deltonafl.gov](http://www.deltonafl.gov)**



## AGENDA MEMO

**TO:** Mayor & City Commission                      **AGENDA DATE:** 5/27/2014  
**FROM:** William D. Denny, City Manager            **AGENDA ITEM:** 4 - A  
**SUBJECT:** Discussion re: Charter question relating to sanctions against Commissioners for violating the Charter.

**LOCATION:**

N/A

**BACKGROUND:**

A Workshop was held on Thursday, March 27, 2014 to discuss the Charter Review Committee's recommendations for Charter amendments. At that time the City Commission directed the City Attorney to develop an ordinance to address sanctions for violating the City Charter which was presented to the Commission at the Workshop held on April 14, 2014.

At the Workshop held on Monday, April 14, 2014 the City Attorney presented a draft ordinance as requested by the Commission. After review and discussion of the proposed ordinance the City Commission requested a Joint Meeting with the Charter Review Committee to obtain clarity on the intent of adding an amendment to address Charter violation sanctions.

**ORIGINATING DEPARTMENT:**

City Manager's Office

**SOURCE OF FUNDS:**

N/A

**COST:**

N/A

**REVIEWED BY:**

City Attorney, City Manager

**STAFF RECOMMENDATION PRESENTED BY:**

N/A - For discussion and direction to staff as necessary.

**POTENTIAL MOTION:**

N/A - For discussion and direction to staff as necessary.

**AGENDA ITEM**

**APPROVED BY:**

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William D. Denny, City Manager

**ATTACHMENTS:**

- Ordinance No. 05-2014

**ORDINANCE NO. 5-2014**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, CREATING A NEW ARTICLE IX, CHAPTER 2 OF THE CODE OF ORDINANCES; PERTAINING TO SANCTIONS FOR CHARTER VIOLATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**BE IT ORDERED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, AS FOLLOWS:**

**SECTION 1.** A new Article IX, Chapter 2, “Administration,” of the Code of Ordinances, City of Deltona is hereby created to read as follows:

**Article IX SANCTIONS FOR CHARTER VIOLATION**

Sec. 2-380 – If a city commissioner is found, by a majority plus one of the city commissioners present at the meeting when the charge is heard, to have violated Section 5(11), “Noninterference by City Commission”, of the Deltona City Charter, such commissioner shall be subject to sanctions set forth herein. The extent of the sanctions shall be decided by a simple majority of the commissioners present at the meeting when the charge is heard. The charged commissioner shall be permitted to participate in the consideration and vote as to the alleged violation. A charge of violation shall only be brought by motion of a member of the city commission, and consideration of the alleged violation shall be placed on an upcoming agenda by the city manager.

Sec. 2-381 – Possible sanctions under this article shall include one or more, in any combination, of the following as deemed appropriate by a simple majority of the commissioners present at the meeting when the charge is considered: i) public censure; ii) forfeiture of pay for a specific time period; iii) suspension of privilege to take part in ceremonial portions of meetings for a specific time period; iv) suspension of access to controlled-access portions of city hall for a specific period of time; v) suspension of right to represent the city at public functions for a specific time period; and/or vi) removal or suspension for a specific time period from any ceremonial positions (such as city representative to a particular agency).

**SECTION 2.** Conflicts. Any and all Ordinances or parts or Ordinances in conflict herewith are hereby repealed.

**SECTION 3.** Severability. If any provision of the Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are declared severable.

**SECTION 4.** Effective Date. This Ordinance shall become effective immediately upon its final passage and adoption

**ADOPTED BY THE CITY COMMISSION OF THE CITY OF DELTONA,  
FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2014.**

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

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

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

**BY:** \_\_\_\_\_

**JOHN C. MASIARCZYK, MAYOR**

**Attest:**

\_\_\_\_\_  
**JOYCE RAFTERY, CMC, CITY CLERK**

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

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**GRETCHEN R H. VOSE, CITY ATTORNEY**