

ORDINANCE NO. 2024-0-18

AN ORDINANCE OF THE CITY OF EDGEWATER, FLORIDA, CALLING A REFERENDUM OF QUALIFIED ELECTORS RESIDING IN THE CITY TO BE HELD ON NOVEMBER 5, 2024, ON THE QUESTION OF ECONOMIC DEVELOPMENT AD VALOREM TAX EXEMPTIONS; SETTING FORTH THE BALLOT QUESTION; AUTHORIZING THE OFFICE OF THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND BALLOT LANGUAGE TO THE ELECTIONS SUPERVISOR OF THE COUNTY OF VOLUSIA; PROVIDING FOR CONFLICTING PROVISIONS, SEVERABILITY AND APPLICABILITY; PROVIDING FOR AN EFFECTIVE DATE AND ADOPTION.

WHEREAS, §196.1995, Fla. Stat., provides that the governing authority of any municipality may call a referendum within its jurisdiction to determine whether the municipality may grant economic development ad valorem tax exemptions under §3, Article VII of the State Constitution, if the governing authority of the municipality votes to hold such referendum; and

WHEREAS, the City Council of the City of Edgewater, Florida, desires to include language on the November 5, 2024 ballot for the purpose of determining whether the city may grant such economic development ad valorem tax exemptions as a renewal of the program from 2015.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF EDGEWATER, FLORIDA:

SECTION 1: *Request for Ballot Question.* That a question be included on the November 5, 2024 ballot for the qualified electors residing in the City of Edgewater, Florida to determine whether the City of Edgewater, Florida may grant economic development ad valorem tax exemptions under §3, Article VII of the State Constitution again for another ten years. All qualified electors residing in the City shall be entitled and permitted to vote on such referendum.

SECTION 2: *Ballot Question.* That pursuant to §196.1995, Fla. Stat., the ballot question in the referendum shall be in substantially the following form:

Shall the Edgewater City Council be authorized to grant, pursuant to §3, Art. VII of the State Constitution, property tax exemptions to new businesses and expansions of existing businesses that are expected to create new, full-time jobs in the municipality?

_____ **Yes - For authority to grant exemptions**
_____ **No - Against authority to grant exemptions**

SECTION 3: *REFERENDUM ELECTION.* A referendum election is hereby called and scheduled at the time of the next regularly scheduled general election, November 5, 2024, to determine whether the ballot question appearing in Section 2 hereof shall be approved by a majority of the votes cast in such election in which qualified electors residing in the City shall participate. Such referendum election shall be held and conducted in the manner prescribed by law. The places for voting in such referendum election shall be such locations as are established for all City elections. All duly qualified electors of the City of Edgewater shall be entitled to participate in said election.

SECTION 4: *NOTICE OF REFERENDUM ELECTION.* Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least thirty (30) days prior to said election, the first publication to be in the fifth (5th) week prior to the election, and the second publication to be in the third (3rd) week prior to the election, and shall be substantially in the form set forth in Section 2 of this Ordinance or as otherwise lawfully provided. Copies of this Ordinance shall be made available for public inspection during regular business hours at the City Hall.

SECTION 5: *COORDINATION WITH SUPERVISOR OF ELECTIONS AND DUTIES.* The City Clerk, with necessary assistance from the Supervisor of Elections for Volusia County, is hereby authorized to take all appropriate actions necessary to carry into effect and

accomplish the electoral provisions of this Ordinance. The City Clerk is authorized to arrange for early voting as authorized by law.

SECTION 6: *VOTER REGISTRATION BOOKS.* The Supervisor of Elections for Volusia County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such City referendum, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors residing in the City of Edgewater.

SECTION 7: *EFFECTIVE DATE.* This Ordinance shall take effect immediately upon its adoption. The proposed referendum described in Section 1, above, shall only be effective if a majority of the qualified electors of the City of Edgewater voting at the general election vote for its adoption and shall be considered adopted and effective upon certification of the election results as provided herein.

SECTION 8: *CONFLICTING ORDINANCES.* All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 9: *SEVERABILITY.* If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Ordinance.

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

Diezel DePew, Mayor

ATTEST:

Bonnie Zlotnik, CMC, City Clerk

Passed on first reading on the ____ day of _____, 2024

REVIEWED AND APPROVED:

Aaron R. Wolfe, City Attorney