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September 1, 2021

VIA E-MAIL DELIVERY

rvason@vasonlaw.com

Mr. Robert T. Vason, Jr., Esquire
501 East Fifth Avenue
Mount Dora, Florida 32757

Re: City of Mount Dora Charter Amendment

Dear Mr. Vason:

I am in receipt of your letter dated August 31, 2021, related to the proposed City of Mount Dora Charter amendment pertaining to building height, and would like to take this opportunity to address a couple of matters contained therein.

First, I disagree with your interpretation that Sections 25 and 26 of the City of Mount Dora City Charter do not apply to Charter Amendments. In the City of Mount Dora, the only way to adopt a Charter Amendment is by ordinance. Furthermore, the second sentence in both Section 25 and Section 26 contemplates such Charter changes, specifically excepting an elector's ability, "to adopt any ordinance which shall pertain to... *any matter reserved solely to the city council by this Charter* or state law." Because Charter Amendments are accomplished by way of ordinance in the City of Mount Dora, the process set forth in Section 28 of the City's Charter applies to the efforts of your clients. As stated previously, because this process is outlined in the City's Charter, Florida Statutes, Section 166.031, is supplemental to and not under any circumstance intended to diminish or overrule the City's existing process.

As for your second assertion that the City's Petition Form was incomplete, I likewise disagree with your interpretation. The "City Form" was just that, a blank form for you to use to fill in with the information related to YOUR initiative. As such, the City Form COULD NOT have included "the full text of the proposed initiative". This is not a City Initiative. Because this is an elector driven Initiative, the "full text" portion of the

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form was wholly up to you and your clients. While it is unfortunate that your “outside Counsel” revised the City provided Petition Form, it nonetheless occurred, making elector verification an onerous task. Which leads me to the third matter of concern.

Your indication that verification of the subject Petitions is nothing more than a stringent requirement insisted upon by the City and that such verification is not required by the law is both offensive to me as a professional and misleading to the citizens of the City Mount Dora who are relying on your advice. Both the City’s Charter and the supplemental statute, upon which you rely, require that the individuals who are signing Petitions ***must be registered electors***. If not for the Supervisor of Elections verification process, how would we know whether the Petitions had been signed by actual registered electors in the City of Mount Dora?

In addition, I will remind you, as stated in my letter of August 19, 2021, that the procedures set forth in Section 28, of the City’s Charter clearly intend that the Petitions would be verified prior to being served on the City, thus, this can only be construed to mean that the group of electors bring forth a Referendum or Initiative by Petition would pay any cost associated with verification to ensure that the individuals signing their Petitions were in fact registered electors.

Finally, related to your request, the fact remains that the City of Mount Dora Petition Form was provided to you and your clients with a blank for either the elector’s voter registration number or the elector’s date of birth. This information was included to assist with the verification process. While I understand that the Supervisor of Elections has indicated that he is able to verify the Petitions without this information, I am not in a position to make the decision on my own as to whether the City is willing to waive the requirement on its Petition Form. As such, I have been given authorization to place this issue on the September 7, 2021, agenda for City Council direction. If you have any questions related to the process, please do not hesitate to contact me.

Sincerely,



Sherry G. Sutphen

SGS/kr

cc: Alan Hays, Supervisor of Elections