



PERSSON, COHEN, MOONEY, FERNANDEZ & JACKSON, P.A.
ATTORNEYS AND COUNSELORS AT LAW

David P. Persson**
Andrew H. Cohen
Kelly M. Fernandez*
Maggie D. Mooney*
R. David Jackson*
Daniel P. Lewis
Amy Farrington
* Board Certified City, County and Local Government Law
** Of Counsel

Telephone (941) 306-4730
Facsimile (941) 306-4832
Email: kfernandez@flgovlaw.com

Reply to: Venice

M E M O R A N D U M

DATE: June 4, 2024
TO: Mayor Pachota and City Council Members
CC: Ed Lavallee, City Manager
Kelly Michaels, City Clerk
FROM: Kelly M. Fernandez, City Attorney
SUBJECT: Recommended Revisions to Ordinance No. 2024-08

Based on the comments and discussion that occurred during the consideration of Ordinance No. 2024-08 on first reading on May 28, 2024, I have re-reviewed the entirety of the ordinance and offer the following recommended revisions as further explained below.

Ballot Summary

To alleviate any concern with the ballot summary being silent on 1-year term extensions and the possibility of a present incumbent being able to run for a third time in order to achieve at least 8 consecutive years in office, I recommend modifying the last phrase of the ballot summary to state “authorizes two year terms and addresses incumbent terms for transition purposes.” As the existing ballot summary appeared to be at the maximum 75 words, I have made some edits to reduce the word count. Also of note, I am now considering “even-numbered” as two words versus one. The below recommended revisions would place the total ballot summary at 70 words.

Lakewood Ranch
6853 Energy Court
Lakewood Ranch, Florida 34240

Venice
236 Pedro Street
Venice, Florida 34285

Provides for the ~~staggered~~ election of councilmembers and mayor ~~to be staggered~~ in November of even-numbered years ~~coinciding to coincide~~ with county, state, and federal elections; provides ~~that~~ the elected term of office for the mayor and councilmembers shall be four years instead of three years; provides ~~that~~ no person shall serve for more than two consecutive elected terms instead of three consecutive elected terms; authorizes two year terms and addresses incumbent terms for implementation purposes of transitioning to new election cycle.

Proposed Charter Language

The implementation plan for the proposed Charter amendments is based on the premise that any person presently in the office of mayor or councilmember should be able to remain in office at least 8 consecutive years, which would at a minimum correspond to the years in office allowed by two, 4-year terms. As previously depicted on the “Incumbent Term Projection” chart prepared by the City Clerk, in order to achieve at least 8 years in office, all but Seats 3 and 5 would need to be allowed a third election opportunity. Seats 1, 2, and 4 would have a maximum of one 3-year term and two 4-year terms (11 years total). Seat 6 would have one 2-year term and two 4-year terms (10 years total). Seat 7 (a/k/a Mayor) would have one 3-year term, one 2-year term, and one 4-year term (9 years total). Thus, no seat has the opportunity for more than two 4-year terms which is consistent with the new limits if approved by the voters. However, in order to provide greater clarity on this transitional allowance and to alleviate any potential disputes in the future, I recommend that subsection (e) be revised as shown below. I have also included reference to the 1-year term extensions to alleviate any concerns with lack of transparency.

Finally, it was noticed that the final sentence in subsection (f) referenced “seats six and seven”. Seat 7 is the mayor seat and so for consistency with the remainder of Section 3.04, I am recommending that “the mayor” replace the reference to seat seven.

Sec. 3.04. Elections, terms of office and term limits.

- (a) The elected term of office for the mayor shall ~~always be three~~ four years and no person shall serve as mayor for more than ~~three~~ two consecutive elected terms. The mayor shall be elected every other even-numbered year.
- (b) The elected term of office for city councilmembers shall be ~~three~~ four years. The terms shall be staggered so that ~~two~~ three city councilmembers shall be elected each even-numbered year. Under certain circumstances as specified in Section 3.07, a city councilmember may be elected to serve the remaining portion of an unexpired term. No person shall serve as a city councilmember for more than ~~three~~ two consecutive terms.
- (c) No person shall serve as mayor and city councilmember in any combination for more than ~~three~~ two consecutive elected terms.
- (d) Appointed or elected partial terms of office to fill vacancies pursuant to section 3.07, or to transition into a new election cycle, shall not be counted for the purpose of computing term limits under section 3.04.

- (e) For purposes of transitioning to even-numbered year elections with four year terms of office and a two consecutive term limit (approved by the voters in November 2024), the provisions of section 3.04 shall be interpreted such that a person in office as of November 5, 2024 may appear on a future ballot for re-election to office unless, by the end of the then current term of office, the person will have served, or but for resignation would have served, in that office for at least eight consecutive years. In addition, the three-year terms of councilmember seats three and four starting in November 2024 shall be automatically extended one additional year. The three-year terms of the mayor and councilmember seats five and six starting in November 2022 shall also be automatically extended one additional year.
- (f) For the 2026 election cycle, the mayor and city councilmember seat six shall be elected for a single two-year term to effectuate an orderly transition of the elections to even-numbered years and to move all seats to a staggered term. Beginning in 2028, the mayor and councilmember seat six shall be elected for four-year terms as provided in this section.