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Attorney General
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The Capitol P101
Tallahassee, FL 32399-1050

Dear Attorney General Moody,

As a member of the Venice, Florida City Council, I am writing for an Advisory Opinion on the language of a Ballot Referendum (ORD. NO. 2024-08) and of the ethics of the Referendum itself. The Second Reading and Final Reading is tomorrow, June 11, 2024 at 9:00am

I have included paper copies of the following:

Venice City Council Agenda for 6/11/2024

ORD. NO. 2024-08 Attachments:

Updated Ordinance

City Attorney Memo 6.4.24

Ordinance

Possible Years Projection Based on Option 3

Venice Voter Turn Out Analysis

Business Impact Estimate

There has been a quite a bit of Citizen correspondence, so much that I am not including it here. It will be gladly provided.

The Venice City Council Meeting on May 28, 2024 had a large number of constituents (estimated to be 65) in attendance. They were almost entirely against the Change in Term Length (from 3 years to 4 years) and the Change in Number of Terms (from 3 to 2). Council members can currently serve a total of 9 years, the Referendum would change the total to 8 years.

Those opposing the change believe it to be self-serving since Council members already in office would receive an additional year in office and an additional year of pay. One particular Council member was appointed, then ran unopposed, and then would receive

an additional year without ever "winning" an election. The proposal would do away with odd year elections entirely. This concerns many voters who want to vote each year. Their thinking is that if the Council member they elected is not working for their best interests they will want to replace that member at the earliest opportunity (yearly). The current system has existed for 98 years (our Centennial Celebration is 2026) and the thinking is "If it ain't broke, don't fix it".

Concerns of partisanship have also been voice. Since the odd year elections have only the City Council candidates on the ballot, local issues are center stage and can get the attention they need. In even number year elections, many items are on the Ballot. This year will have a Presidential race, U.S. Senate and House races, the statewide Abortion Referendum, various Florida Senate and House of Representative races, etc. Local candidates get lost in the mix and some voters will likely vote more "Party line", if only because the choices are so many. Voter confusion and fatigue in reading a long ballot are concerns.

One constituent noted that the Referendum would have the effect of restricting the ability of Venice citizens to replace a majority of the 7-member Council to only once every four years! (Exclamation mark theirs)

The cost of the odd year elections is about \$50,000 per the Supervisor of Elections. This works out to one tenth of one cent of the budget, a minor amount to preserve the non-partisan nature of local elections.

In addition, those opposing the proposed change believe that it is being rushed and not vetted properly. Council has rejected the idea of a review by the Citizens Advisory Board and by the Charter Review Board. Workshops have also been rejected.

Those in favor of the Referendum cite a need to let the voters decide this issue and the lower voter turnout in odd election years. They also want to save the \$50,000 in expenses. Several have sent emails to Council stating that Ron Turner, Supervisor of Elections of Sarasota County, has endorsed the even year elections due to the money saved. However, Earle Kimel, a seasoned reporter from the Sarasota Herald Tribune, called Supervisor Turner to confirm this. Turner stated that money would be saved but that *he had no opinion on the election decisions of the municipalities. (Italics mine)*

In Council I have expressed concerns that the 4 options originally presented were overly complex. Another Council member came up with a very simple idea for the transition to 4-year terms but it was summarily rejected.

The wording of the Ballot Title and the wording of the body of the Referendum seem to error by omission and may be misleading. Voters are not clearly made aware that they

will not get to vote every year. The KISS idea of “Keep it super simple” has been ignored. And they are not given the reason for the ballot measure or any benefit to them.

As a Municipal official under the Sunshine Law, we have been advised on numerous occasions to avoid even the “appearance of impropriety”. This Referendum appears to violate the idea of impropriety. If enacted, I too would be a “beneficiary” of sorts, able to have a term of 11 years instead of the 9 now allowed. My suggestion in Council session to only allow the changes to become effective AFTER all current Council members were no longer eligible to be on Council (term limits exhausted) was dismissed.

Thank you in advance for your Opinion on this Referendum.

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