

ORDINANCE NO. 2024-08

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, SUBMITTING TO THE ELECTORS OF VENICE PROPOSED AMENDMENTS TO THE CITY OF VENICE CHARTER; PROVIDING DIRECTIONS TO THE CITY CLERK; PROVIDING BALLOT TITLES, SUMMARIES AND TEXT FOR THE PROPOSED AMENDMENTS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THE ORDINANCE; AND PROVIDING FOR AN EFFECTIVE DATE FOR APPROVED AMENDMENTS

WHEREAS, the City Council has in public meetings discussed, and heard public comment on, amending the City of Venice Charter (the "Charter") to eliminate odd year elections so as to coincide with general elections for county, state and federal offices and to revise terms from 3 years to 4 years while reducing the maximum allowable consecutive terms from 3 to 2; and

WHEREAS, the City Council has determined that the qualified electors of the City shall be given an opportunity to vote on whether they are in favor of changing the date of elections for the City Councilmembers and the Mayor and the length of terms and term limits, which when fully effectuated would result in a reduction of total allowed consecutive years in office from 9 years to 8 years; and

WHEREAS, the City Charter authorizes the City Council to adopt an ordinance placing a proposed Charter amendment on the ballot at referendum and setting forth the full text of the proposed amendment; and

WHEREAS, the City Council has considered multiple options for effectuating the Charter amendments should they be approved by the majority of the qualified electors of the City of Venice voting on the referendum question and has chosen the option detailed in Exhibit "B" attached hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. The above whereas clauses are ratified and confirmed as true and correct.

SECTION 2. Findings. The City Council of the City of Venice, Florida, hereby proposes to the electorate certain Charter revisions as hereafter set forth.

SECTION 3. Proposed Amendments of the City of Venice Charter. Pursuant to Section 8.01(a) of the City of Venice Charter, it is proposed that said Charter be amended as provided on Exhibit "A" attached hereto and made a part hereof. The proposed amendment question is as set forth in Section 5 of this Ordinance.

SECTION 4. Election. The City Clerk is hereby authorized and directed to instruct and coordinate with the Supervisor of Elections of Sarasota County, Florida, to include the ballot question set forth in Section 5 on the ballot of the General Election to be held in the City of Venice, on November 5, 2024. Such Election shall be held in conformity with the laws of the State of Florida and the ordinances of the City of Venice now in force relating to elections in the City of Venice. City officials are hereby further authorized and directed to do all things necessary to effectuate the referendum contemplated herein including, but not limited to, providing for the ballot question approved herein and any other materials related to the ballot question in both English and Spanish and paying the costs associated with the ballot question as applicable.

SECTION 5. Form of Ballot. The ballot title and question are as follows:

QUESTION 1. ALIGN CITY ELECTION DATES TO COUNTY/STATE/FEDERAL ELECTIONS, COINCIDING OFFICE TERMS, SHORTENING TERM LIMITS

Provides for the election of councilmembers and mayor to be staggered in November of even-numbered years 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 for purposes of transitioning to new election cycle.

Shall the above described amendment be adopted?

☐ YES

☐ NO

SECTION 6. Code and Charter Changes. The amendments effectuating the question are attached as Exhibit "A" to this Ordinance, incorporated herein by reference.

SECTION 7. Implementation. If a majority of the qualified electors of the City of Venice voting on the referendum question vote for approval of the proposed amendment, then the proposed amendment shall go into effect as provided in Exhibit “B” to this Ordinance, incorporated herein by reference.

SECTION 8. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9. Severability. If any word, phrase, clause, section, or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 10. Effective Date. This Ordinance shall take effect immediately upon its adoption as provided by law, except the amendments to the City Charter shall become effective as provided in Section 6 above.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 11TH DAY OF JUNE, 2024.

First Reading: May 28, 2024
Final Reading: June 11, 2024

ADOPTION: June 11, 2024

Nicholas Pachota, Mayor

ATTEST:

Kelly Michaels, MMC, City Clerk

I, Kelly Michaels, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the Venice City Council, at a meeting thereof duly convened and held on the 11th day of June 2024, a quorum being present.

WITNESS my hand and the official seal of said City this 11th day of June, 2024.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

**EXHIBIT "A" TO CITY ORDINANCE NO. 2024-08
PROPOSED AMENDMENTS TO THE CITY OF VENICE CHARTER**

QUESTION 1. TERMS OF OFFICE

The following sections of the Charter are amended to read as follows:

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 as a 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) No person may appear on the ballot for reelection to office if, by the end of the 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.
- (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, seats six and seven shall be elected for four-year terms as provided in this section.

Sec. 3.07. Vacancies, forfeiture of office, standard of conduct, filling of vacancies, emergency succession, procedure of forfeiture.

- (d) Filling of vacancies
 - (1) In the event of a vacancy in the office of the mayor, the vice-mayor shall assume the duties of mayor until the next regular city council meeting at which time the city council shall appoint a mayor from amongst its members. The appointed mayor shall serve until the next municipal election when a mayor shall be elected to serve a ~~three~~ four-year term of office; the acting mayor shall then resume his or her seat on the city council for his or her remaining unexpired term. The vacancy created by

the appointment of the mayor shall be filled by appointment by the city council for the duration of that vacancy.

Sec. 7.07. General municipal elections.

The general municipal election of the city shall be held on the first Tuesday after ~~next-~~
~~succeeding~~ the first Monday in November ~~in~~ of each even-numbered year.

**EXHIBIT “B” TO CITY ORDINANCE NO. 2024-08
IMPLEMENTATION PLAN**

- 1) 4-year elected terms begin with the 2026 election;
- 2) Councilmembers, including Mayor, newly elected after the 2024 elections would be subject to the 2 term limit rule. However, no Councilmember or Mayor can run for an additional term if they will have served by the end of their current term at least 8 consecutive years;
- 3) Extended terms for the purpose of transitioning to an even year election cycle are counted with the current term of the seat holder being extended when considering the term limit count;
- 4) Being elected to a 2-year term for the purpose of transitioning to an even year election cycle is not counted towards the term limit count; and
- 5) For the 2026 election cycle, the Mayor and 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 maintain staggered four-year terms.

2024 Election	No 2025 Election	2026 Election	No 2027 Election	2028 Election
		Seat 1 (4-Yr)		
		Seat 2 (4-Yr)		
	Extended 1 Yr →	Seat 5 (4-Yr)		
Seat 3 (3-Yr)			Extended 1 Yr →	Seat 3 (4-Yr)
Seat 4 (3-Yr)			Extended 1 Yr →	Seat 4 (4-Yr)
	Extended 1 Yr →	Seat 6 (2-Yr)		Seat 6 (4-Yr)
	Extended 1 Yr →	Seat 7 (2-Yr)		Seat 7 (4-Yr)

Transitional Plan by Seat #

- Seat 1: Current term expires in 2026; Incumbent and/or Challenger runs for 4-Year Term in Group 1.
- Seat 2: Current term expires in 2026; Incumbent and/or Challenger runs for 4-Year Term in Group 1.
- Seat 3: Term beginning in 2024 expires in 2027; Incumbent’s term is extended 1 year to 2028. Incumbent and/or Challenger runs for 4-Year Term in Group 2.
- Seat 4: Term beginning in 2024 expires in 2027; Incumbent’s term is extended 1 year to 2028. Incumbent and/or Challenger runs for 4-Year Term in Group 2.
- Seat 5: Current term expires in 2025; Incumbent’s term is extended 1 year to 2026. Incumbent and/or Challenger runs for 4-Year Term in Group 1.

- Seat 6: Current term expires in 2025; Incumbent's term is extended 1 year to 2026. Incumbent and/or Challenger runs for single 2-Year Term to 2028 to allow for transition to even year elections and maintain staggered four-year terms. Then Incumbent and/or Challenger runs for 4-Year Term in Group 2.
- Seat 7 (Mayor): Current term expires in 2025; Incumbent's term is extended 1 year to 2026. Incumbent and/or Challenger runs for single 2-Year Term to 2028 to allow for transition to even year elections and maintain staggered four-year terms. Then Incumbent and/or Challenger runs for 4-Year Term alongside Group 2.