



## MEMORANDUM TO VENICE CITY COUNCIL

**THROUGH CHARTER OFFICER:** Kelly Michaels, City Clerk

**E-SIGN:**

A handwritten signature in black ink, appearing to be "KM", is written over the "E-SIGN:" label.

**FROM:** Kelly Michaels, City Clerk

**DEPARTMENT:** City Clerk's Office

**DATE:** April 4, 2024

**MEETING DATE:** April 23, 2024

**SUBJECT / TOPIC:** Staff Directive as it relates to an even year election cycle of four-year terms with a two consecutive times term limit.

**BACKGROUND INFORMATION:** On January 23, 2024, Council directed staff to research and develop legislation to expand the City Council Terms to four-year terms to coincide with the Sarasota County Commission election cycles, and to amend the charter to limit terms in any combination of Mayor and Councilmember to two consecutive times.

The research includes the recent history of the budgetary impact of holding odd year elections, current charter language, the process to amend the charter and four options to choose from which will provide direction in the writing of the charter amendment ordinance and referendum question(s).

### **Budget Impact of Odd Year Elections:**

The current Sarasota County Supervisor of Elections absorbs the cost of his staff if work occurs during normal business hours. The City's cost includes county staffing overtime hours incurred, advertising; official ballots, sample ballots, vote by mail ballots, mailing & postage costs, poll worker wages, poll site rental, early voting personnel, precinct registers, canvass board, security, transportation, and recount costs if required.

In 2023 a \$20,000 deposit was negotiated with the promise to reimburse the county for any underfunding of the deposit. Election expenses typically straddle two fiscal year budgets due to the timing of the expenses. The deposit is made when the agreement is signed in June preceding the odd-year November election, whereas expenses are billed after the election date which hits the next fiscal budget year. For purposes of compiling election expenses that are attributed to the specific election, the costs will be shown in total not by fiscal year.

*\*(Note: 2021 deposit had a refund of unused expenses in the amount of \$8,226.54 which is why 2023, was negotiated at a lower deposit amount with the promise to pay any underfunding. The ballot expenses were paid in error by the SOE's office and then charged against the deposit which caused an underfunded expense versus a refund to the City as seen in previous odd year election. An invoice from the SOE for expenses over and above the advanced deposit amount of \$20,000 was received on 2/23/24 in the amount of \$9,282.66 and is reflected in actual expense to SOE shown in the total costs)*

Total costs of Municipal Elections Not Coinciding with County Commission Elections:

<u>Description</u>	<u>2021</u>	<u>2023</u>
<i>Election Deposit to SOE</i>	<i>\$25,000</i>	<i>\$20,000</i>
Actual Expense to SOE:	\$16,773.46*	\$29,282.66*
Polling Place Lease Pmts	\$1,600	\$1,600
Poll Worker Payroll	\$14,652.13	\$15,328
Official Ballots (Fidlar)	\$12,661.71	<i>Paid by SOE &amp; billed back to COV*</i>
Sample Ballots (Andrick)	\$2,090.09	<i>Paid by SOE &amp; billed back to COV*</i>
Canvass Board Mileage	<u>Not Charged</u>	<u>\$119.93</u>
	<u><b>\$47,777.39</b></u>	<u><b>\$46,330.59</b></u>

**Current Charter Language and Proposed Changes:**

Currently the city charter addresses terms of office and term limits under Section 3.04, filling of vacancies under Section 3.07, and the election schedule under Section 7.07 as follows:

The following sections of the Charter proposed to read as follows:

- Delete: Strike through language
- Add: Grey highlighted language

**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.
- (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** 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 city council member for more than ~~three~~ **two** consecutive terms.
- (c) No person shall serve as mayor and city councilmember for more than ~~three~~ **two** consecutive elected terms.
- (d) Appointed or elected partial terms of office to fill vacancies pursuant to section 3.07 shall not be counted for the purpose of computing term limits under section 3.04.

**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-year~~ **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 the vacancy.

### **Sec. 7.07. General municipal elections.**

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

### **The Process to Amend the Charter:**

The process to amend the charter is described under Sections 8.01 through 8.03 as follows:

#### **Sec. 8.01. - Charter amendments.**

Amendments to this Charter may be framed and proposed by either:

(a) Ordinance adopted by the city council setting forth the full text of the proposed amendments.

(b) Written petition or petitions to the city council initiated by the electors setting forth the full text of the proposed amendment and signed in person by registered voters of the city in accordance with requirements of general law. All required signatures to petitions initiated by the electors must bear the dates on which each signature is affixed, and all required signatures must be affixed within a period of 90 days prior to the date such petition is submitted to the city council.

(Ord. No. 2013-36, exh. A, 11-26-13)

#### **Sec. 8.02. - Referendum.**

Upon adoption of an ordinance by the city council as provided in subsection 8.01(a) of this article or upon delivery to the city council of a written petition as provided in subsection 8.01(b) of this article, the city council shall, not less than 30 nor more than 60 days thereafter, certify the petition for amendment and cause a referendum to be held on the question of adoption thereafter, certify the petition for amendment and cause a referendum to be held on the question of adoption of such proposed amendment in the manner provided by law and article VII, section 7.04 of this Charter.

#### **Sec. 8.03. - Adoption of amendment.**

Any proposed amendment to the Charter adopted by a majority of the registered voters of the city voting in such referendum shall become effective when filed with the office of the Department of State of the State of Florida.

(Ord. No. 2013-36, exh. A, 11-26-13)

### **The Steps in the Process:**

- 1) Council reviews the options to provide direction to staff in the form of a motion to select the preferred option and proceed by placing the matter on a future agenda for

the 1<sup>st</sup> and 2<sup>nd</sup> readings/public hearing of an ordinance to hold a referendum amending the charter.

- 2) If the ordinance is adopted, the referendum question(s) would be submitted to the Sarasota County Supervisor of Elections for placement on the November 5, 2024, ballot, giving the SOE sufficient time to proof the ballots and have available for mail and early voting deadlines. It is recommended the timeline for the final reading be accomplished no later than before the council breaks for summer.
- 3) Pursuant to fs 101.161, a 75 word or less explanatory statement with unambiguous language to explain the chief purpose of the measure must appear on the ballot followed by the Yes and No selections.
- 4) Pursuant to fs 106.113, the municipality is restricted from expending public funds to advertise the referendum but may provide factual information as to the questions being proposed. This prohibition does not preclude an elected official from individually expressing an opinion.
- 5) If the referendum question(s) pass, the charter will be updated to reflect the change and all seats would be aligned to coincide with County Commission elections in an even year election cycle according to the Option chosen in Step 1.

**SUPPORTS STRATEGIC PLAN:** Goal Two: Provide Efficient, Responsive Government with High Quality Services and Goal Three: Ensure a fiscally sound City.

**COUNCIL ACTION REQUESTED:** For Discussion and Action

Council Motion to select preferred option and to direct the appropriate Charter Officer to proceed with drafting of a charter amendment ordinance and referendum question(s) for consideration at a future meeting.

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Yes	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Document(s) Reviewed for ADA compliance (required if for agenda posting)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	City Attorney Reviewed/Approval
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Risk Management Review
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Finance Department Review/Approval Funds Availability (account number):