

ORDINANCE NO. 2022-10

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, Venice City Council appointed a Charter Review Committee to review the charter and make recommendations concerning changes to that document; and

WHEREAS, on January 19, 2022, the Charter Review Committee presented its final report and recommendations to City Council; and

WHEREAS, City Council and the Charter Review Committee have, in public meetings, studied and reviewed the City of Venice Charter (the "Charter") and received public input regarding the proposed amendments to the Charter; and

WHEREAS, City Council has determined that the qualified electors of the city shall be given an opportunity to vote on certain amendments to the Charter at the next general election pursuant to Section 166.031, Florida Statutes.

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

SECTION 1. Findings. The City Council of the City of Venice, Florida, hereby proposes to the electorate certain Charter revisions as hereafter set forth.

SECTION 2. Proposed Amendments of the City of Venice Charter. Pursuant to the provisions of Section 8.01(a) of the City of Venice Charter, it is proposed that said Charter and Code of Ordinances be amended as provided on Exhibit "A" attached hereto and made a part hereof. The proposed amendments shall be divided into fifteen questions as set forth in Section 4 of this Ordinance.

SECTION 3. 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 questions set forth in Section 4 on the ballot of the General Election to be held in the City of Venice, on November 8, 2022. 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 questions approved herein and any other materials related to the ballot questions in both English and Spanish and paying the costs associated with the ballot questions.

SECTION 4. Form of Ballot. The ballot title and questions are as follows:

QUESTION 1. BOARD APPOINTMENTS

Currently the mayor makes all appointments to operating and advisory boards with the advice and consent of the city council. Should the Charter be amended to have city council make board appointments?

☐ YES
☐ NO

QUESTION 2. PRESIDING AT A MEETING

Currently there is no requirement for the person presiding over a council meeting to be physically present. Should the Charter be amended to require the person presiding over a council meeting where a physical quorum is required to be physically present?

☐ YES
☐ NO

QUESTION 3. DELEGATIONS TO CITY MANAGER

Should the Charter be amended to allow city council to delegate certain duties to the city manager such as the execution of contracts and other documents and the signing of checks for payments of obligations?

☐ YES
☐ NO

QUESTION 4. SELECTION OF VICE-MAYOR

Currently council elects a vice-mayor at its first regular meeting following the city election, which can occur before the certification of the election results and the seating of any newly elected members. Should the Charter be amended to have council elect a vice-mayor at its first regular meeting following the certification of the results of the city election?

☐ YES
☐ NO

QUESTION 5. TERM LIMITS

Currently no person may serve as mayor and as city councilmember in any combination for more than six consecutive elected terms. Should the Charter be amended to reduce it to no more than three consecutive elected terms?

☐ YES
☐ NO

QUESTION 6. MAYOR AND COUNCILMEMBERS' COMPENSATION

The mayor is currently paid a monthly salary of \$1,000 and councilmembers are paid a monthly salary of \$850. Should the Charter be amended to set the councilmembers' annual salary to 20% of the annual salary of Sarasota County Commissioners, as determined by the state legislature, with the mayor receiving an additional \$1,200 annually?

☐ YES
☐ NO

QUESTION 7. CITY COUNCIL MEETING ATTENDANCE REQUIREMENTS

Currently a councilmember would forfeit office if the councilmember fails to attend three consecutive regular meetings without being excused. Should the Charter be amended to require forfeiture of office if a councilmember fails to attend in-person three regular meetings in a calendar year without being excused?

☐ YES
☐ NO

QUESTION 8. STANDARD OF CONDUCT

Should the Charter be amended to make any violation of the Florida Code of Ethics or standards of conduct a potential ground for forfeiture of office instead of a mandatory ground for forfeiture of office?

☐ YES
☐ NO

QUESTION 9. TERM FOR FILLING OF A VACANCY

Currently a person appointed by city council to fill a vacancy in the office of city council only serves until a successor is elected at the next regular election or a special election called for that purpose. Should the Charter be amended to allow the appointed person to serve the remaining unexpired term of the councilmember whose office is being filled?

☐ YES
☐ NO

QUESTION 10. FILLING OF VACANCIES IN OFFICE

Currently the Charter requires city council to fill a vacancy in the office of city council within 30 days or a special election must be held within 60 days of the vacancy. Should the Charter be amended to require city council to fill a vacancy within 60 days, eliminating the possibility of a special election, and using plurality voting with a tie decided by drawing lots?

☐ YES
☐ NO

QUESTION 11. DEVELOPMENT OF PROPOSED BUDGET

Currently the Charter states that the city manager's proposed general fund component of the budget shall not be increased by greater than three percent of the approved general fund component of the budget for the prior year. Should the Charter be amended to clarify that it is the initial adopted budget for the prior year that this calculation is based upon?

☐ YES
☐ NO

QUESTION 12. MISCELLANEOUS REVISIONS, CLARIFICATIONS, AND CORRECTIONS

Should the Charter be amended to: (1) remove notice requirements for budget public hearings and instead defer to state law; (2) remove the requirement that council prescribe the form of ballot, which is handled by the County Supervisor of Elections; (3) clarify that council has the power to authorize the issuance of certificates of indebtedness; and (4) clarify where the oath of office for every officer of the city is to be kept on file?

☐ YES
☐ NO

QUESTION 13. SURETY BONDING

Should the Charter be amended to remove a requirement that city council bond certain city positions?

☐ YES
☐ NO

QUESTION 14. NO CANDIDATES AND ONE CANDIDATE FOR OFFICE

Should the Charter be amended to include a provision that if there is only one qualified candidate for a seat, that candidate shall be declared elected and if there is no qualified candidate for a seat, the term of the mayor or city councilmember holding that seat will be extended until the next regular election?

☐ YES
☐ NO

QUESTION 15. INITIATIVES AND REFERENDUMS

Should the initiative and citizen referendum process in the Charter be amended to require the date to be included for each signature on a petition and to clarify that all signatures must be dated within the six months prior to the submission of the petition?

☐ YES
☐ NO

SECTION 5. Code and Charter Changes. The amendments effectuating each question are attached as Exhibit "A" to this Ordinance and incorporated herein by reference.

SECTION 6. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. 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 8. Effective Date. This Ordinance shall take effect immediately upon its adoption as provided by law and the amendments shall become effective December 1, 2022, if approved by the qualified electors of the city.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 24TH DAY OF MAY, 2022.

First Reading: May 10, 2022

Final Reading: May 24, 2022

ADOPTION: May 24, 2022

Ron Feinsod, 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 24th day of May 2022, a quorum being present.

WITNESS my hand and the official seal of said City this 24th day of May, 2022.

Kelly Michaels, MMC, City Clerk

Approved as to form:

Kelly Fernandez, City Attorney

**EXHIBIT "A" TO CITY ORDINANCE NO. 2022-10
PROPOSED AMENDMENTS TO THE CITY OF VENICE CHARTER**

QUESTION 1. BOARD APPOINTMENTS

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

Sec. 3.01. City council, powers, composition.

There shall be a city council which shall be the governing body of the city with all legislative powers of the city vested therein, composed of six councilmembers and a mayor, hereafter referred to as the city council; all to be elected at large. They shall assume their offices upon certification of their election. The city council shall make all appointments of operating and advisory boards.

Sec. 3.02. Mayor and vice-mayor.

- (a) *Duties of mayor.* The mayor shall preside at meetings of the city council and shall have a vote on all matters. The mayor shall have no veto power. The mayor shall be recognized as head of city government for all ceremonial purposes; by the governor for purposes of military law; for service of process; for execution of contracts, deeds and other documents, as signer of checks for payment of obligations, and as the city official designated to represent the city in all agreements with other governmental entities. ~~The mayor shall make all appointments of principal officers mentioned in this Charter and all operating and advisory boards, with the advice and consent of the city council, as provided in this Charter.~~ The mayor shall have only those administrative duties required to carry out the above responsibilities.

QUESTION 2. PRESIDING AT A MEETING

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

Sec. 3.02. Mayor and vice-mayor.

- (a) *Duties of mayor.* The mayor shall preside at meetings of the city council and shall have a vote on all matters. If the mayor is not physically present at a meeting where a physical quorum is required, the vice-mayor shall preside at the meeting if physically present or, in the alternative, one of the other city councilmembers in physical attendance elected to serve as chairperson. The mayor shall have no veto power. The mayor shall be recognized as head of city government for all ceremonial purposes; by the governor for purposes of military law; for service of process; for execution of contracts, deeds and other documents, as signer of checks for payment of obligations, and as the city official designated to represent the city in all agreements with other governmental entities. The mayor shall make all appointments of principal officers mentioned in this Charter and all operating and advisory boards, with the advice and consent of the city council, as provided in this Charter.

The mayor shall have only those administrative duties required to carry out the above responsibilities.

QUESTION 3. DELEGATIONS TO CITY MANAGER

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

Sec. 3.02. Mayor and vice-mayor.

- (a) *Duties of mayor.* The mayor shall preside at meetings of the city council and shall have a vote on all matters. The mayor shall have no veto power. The mayor shall be recognized as head of city government for all ceremonial purposes; by the governor for purposes of military law; for service of process; for execution of contracts, deeds and other documents, except as otherwise delegated by the city council to the city manager or a designee; as signer of checks for payment of obligations, except as otherwise delegated by the city council to the city manager or a designee; and as the city official designated to represent the city in all agreements with other governmental entities. The mayor shall make all appointments of principal officers mentioned in this Charter and all operating and advisory boards, with the advice and consent of the city council, as provided in this Charter. The mayor shall have only those administrative duties required to carry out the above responsibilities.

Sec. 4.04. - Powers and duties of the city manager.

The city manager shall have the following powers and duties:

- (a)-(h) No change.
- (i) Miscellaneous duties. Perform such other duties as are prescribed by general law, specified in the Charter, by ordinance or resolution of the City, or by direction of ~~as may be required by~~ the city council as a whole.

QUESTION 4. SELECTION OF VICE-MAYOR

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

Sec. 3.02. Mayor and vice-mayor.

- (b) *Vice-mayor.* A vice-mayor shall be elected by and from the members of the city council at the first regular council meeting following the certification of the results of the city election. The vice-mayor shall act as mayor during the absence or disability of the mayor.

QUESTION 5. TERM LIMITS

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 years and no person shall serve as mayor for more than three consecutive elected terms.
- (b) The elected term of office for city councilmembers shall be three years. The terms shall be staggered so that two city councilmembers shall be elected each 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 consecutive elected terms.
- (c) No person shall serve as mayor and as a city councilmember in any combination for more than ~~threesix~~ 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.

QUESTION 6. MAYOR AND COUNCILMEMBERS' COMPENSATION

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

Sec. 3.05. Compensation and expenses.

The annual salary of city councilmembers shall be equal to 20% of the annual salary of Sarasota County Commissioners, which is determined by the state legislature. The annual salary of the mayor shall be equal to the annual salary of a city councilmember plus \$1,200. ~~An ordinance by the city council increasing or decreasing the compensation of the mayor and other city councilmembers shall be submitted to referendum at the next regularly scheduled election, and shall become effective immediately if approved. In addition, an ordinance increasing or decreasing the compensation of the mayor and other city councilmembers may be approved by the registered voters of the city via an initiative proceeding under Article IX, and shall become effective immediately if approved.~~

QUESTION 7. CITY COUNCIL MEETING ATTENDANCE REQUIREMENTS

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

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

- (a) *Vacancies.* The office of the mayor or a city councilmember shall become vacant upon death, resignation, forfeiture of office or removal from office in any manner authorized by law. Such forfeiture to be declared by the remaining members of the city council or upon the assumption of duties of another office pursuant to subsection 3.07(d)(1).
- (b) *Forfeiture of office.* A councilmember shall forfeit that office if the councilmember:

- (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law,
- (2) violates any express prohibition of this Charter,
- (3) is convicted of a crime involving moral turpitude, or
- (4) fails to attend in-person three ~~consecutive~~ regular meetings in a calendar year of the city council without being excused by the city council.

QUESTION 8. STANDARD OF CONDUCT

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

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

- (a) *Vacancies.* The office of the mayor or a city councilmember shall become vacant upon death, resignation, forfeiture of office or removal from office in any manner authorized by law. Such forfeiture to be declared by the remaining members of the city council or upon the assumption of duties of another office pursuant to subsection 3.07(d)(1).
- (b) *Forfeiture of office.* A councilmember shall forfeit that office if the councilmember:
 - (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this Charter or by law,
 - (2) violates any express prohibition of this Charter,
 - (3) is convicted of a crime involving moral turpitude, or
 - (4) fails to attend three consecutive regular meetings of the city council without being excused by the city council.
- (c) *Standard of conduct.* The public officials and employees of the City of Venice are governed by the Florida Code of Ethics (F.S. § 112.311 et seq., as amended) and by those additional standards of conduct that are or may be adopted by the City of Venice. Violation of any provisions of such codes of ethics or standards of conduct ~~may~~shall constitute grounds for forfeiture of office as well as be subject to any civil and/or criminal penalties provided by law.

QUESTION 9. TERM FOR FILLING OF A VACANCY

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

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

(a) – (c) No change.

(d) *Filling of vacancies.*

- (1) In the event of a vacancy in the office of 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 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.
- (2) Vacancies in the office of city council shall be filled by the city council with any qualified resident pursuant to section 3.03 so appointed to serve ~~for until a successor is elected at the next regular municipal election or special election earlier called for that purpose. A person elected in such election will serve~~ the remaining unexpired term of the city councilmember whose vacant office is being filled.
- (3) If a vacancy is not filled by the city council within 30 days after the vacancy occurs, a special election shall be held within 60 days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of office.

QUESTION 10. FILLING OF VACANCIES IN OFFICE

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

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

(a) – (c) No change.

(d) *Filling of vacancies.*

- (1) In the event of a vacancy in the office of 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 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.

- (2) Vacancies in the office of city council shall be filled by the city council with any qualified resident so appointed to serve until a successor is elected at the next regular municipal election or special election earlier called for that purpose. A person elected in such election will serve the remaining unexpired term of the city councilmember whose vacant office is being filled.
- (3) ~~If a vacancy shall be not filled by the city council within 6030 days after the vacancy occurs, a special election shall be held within 60 days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of office.~~ Plurality voting shall be used with a tie decided by drawing lots.

QUESTION 11. DEVELOPMENT OF PROPOSED BUDGET

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

Sec. 5.02. Submission of proposed budget and budget message.

At least two months prior to the beginning of the fiscal year, the city manager shall submit to the city council a proposed balanced budget and additional recommendations of needs of the city for the ensuing fiscal year and an accompanying message. Without prior city council approval, the city manager's proposed general fund component of the budget shall not be increased by greater than three percent of the approved general fund component of the initial adopted budget for the prior year, or the percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics, whichever is greater. Nothing herein shall prohibit the city council from adopting a budget in excess of this limitation, so long as the approved budget is otherwise in accordance with law.

QUESTION 12. MISCELLANEOUS REVISIONS, CLARIFICATIONS, AND CORRECTIONS

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

Sec. 5.06. City council action.

The city council shall adopt a balanced budget. The city council shall publish notice in one or more newspapers of general circulation in the city ~~the places and times where of public~~ hearings on the budget pursuant to state law ~~and capital program will be held~~. After such public hearings the city council may adopt the budget with or without amendment, provided that the total authorized expenditures shall not be greater than the total anticipated funds for any fiscal year. If the budget is not adopted by the city council before the first day of any fiscal year, the amounts appropriated for current operations for the current fiscal year shall be deemed

adopted for the ensuing fiscal year on a month-to-month basis until such time as the city council adopts a budget for the ensuing fiscal year. The budget shall be adopted in the form of an ordinance and shall constitute appropriation of the amounts specified therein as expenditures of the funds indicated.

Sec. 6.01. Power to issue.

The city council shall have the power to authorize the issuance of bonds, certificates ~~or [of]~~ indebtedness or any form of tax anticipation certificates as provided by law. The city council shall provide for an independent financial advisor prior to any bond issuance. The independent financial advisor shall be prohibited from acting either directly or indirectly as a vendor or purchaser of the bonds.

Sec. 7.04. Form of ballots.

~~The city council by ordinance shall prescribe the form of the ballot including the method for listing candidates for mayor or city council elections and any other city election.~~ A Charter amendment, ordinance or resolution derived from initiative or referendum, as provided for in Articles VIII and IX, respectively, to be voted on by the electors shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear statement describing the substance of the measure without argument or prejudice. Below the ballot title shall appear the following question: "Shall the above described (ordinance) (amendment) (resolution) be adopted?" Immediately below such question shall appear, in the following order, the word "yes" and also the word "no" with a sufficient space provided to indicate the voter's choice.

Sec. 11.02. Oath of office.

Every elected or appointed officer of the city shall, before entering upon the duties of office, take and subscribe an oath in the form required for state and county officers under the laws of the State of Florida. Such oath shall be kept on file with the city ~~filed in the office of the city clerk.~~

QUESTION 13. SURETY BONDING

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

~~Sec. 5.09. Surety bonding.~~

~~The city council shall determine what city positions shall be bonded and the amount of such bond.~~

QUESTION 14. NO CANDIDATES AND ONE CANDIDATE FOR OFFICE

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

Sec. 7.05. Elections.

- (a) *Regulation of elections.* Except as otherwise provided by the Charter, the provisions of the election laws of the State of Florida shall apply to elections held pursuant hereto. All elections provided for by the Charter shall be conducted by the election authorities established by law. The city council shall adopt by ordinance all regulations which it considers desirable, consistent with law and this Charter regarding the conduct of city elections, for the prevention of fraud in such elections and for the recount of ballots in cases of challenge.
- (b) *Multiple candidates.* At the regular municipal election, the person receiving the highest number of votes cast for the office of mayor or a particular council seat shall be elected to office. In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to the office.
- (c) One candidate. If only one candidate qualifies for mayor or a council seat within the time limit for qualifications, or if a vacancy in candidacy caused by death, withdrawal or removal from the ballot of qualified candidates, following the end of the qualifying period, leaves fewer than two candidates for the office, that candidate shall be declared elected to the office of mayor or that seat.
- (d) No candidate. If no candidate qualifies for mayor or a council seat, or if all candidates for mayor or a council seat either withdraw, are removed from the ballot or die, after the close of the qualifying period, but before the election, the term of the mayor or city councilmember holding that seat shall be extended until the next regular election, notwithstanding any applicable term limits.

QUESTION 15. INITIATIVES AND REFERENDUMS

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

Sec. 9.03. Petitions.

- (a) *Number of signatures.* Initiative and citizen referendum petitions must be signed by registered voters of the city equal in number to at least ten percent of the total number of registered voters of the city.
- (b) *Form and content.* All papers of a petition shall be uniform in size and style. Each signature shall be executed in ink or indelible pencil and shall be followed by the address of the person signing and the date of signing. Initiative and citizen referendum petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.

- (c) *Affidavit of circulator.* All papers of a petition shall have attached to them when filed an affidavit executed by the person circulating them stating that he or she personally circulated the papers, the number of signatures thereon, that all the signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance or resolution proposed or the ordinance or resolution sought to be reconsidered as the case may be.
- (d) *Time for filing final petition signatures.* All signatures on final petitions must be ~~signed~~ dated within the six months prior to ~~of~~ submission to the city clerk.