

ARTICLE III. LEGISLATIVE¹

Initial Version/Comments from City Council:

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.

Reduce council to 5 members. This would create a council similar to surrounding cities and counties. A seat would be eliminated if/when the incumbent chose not to run again or was termed out. (Fiedler)

Charter Review Committee Recommendation:

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.

Initial Version/Comments from City Council:

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 to the city manager or his designee; as signer of checks for payment of obligations, except as otherwise delegated to the city manager or his 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~~

¹State law reference(s)—Municipal home rule powers, F.S. ch. 166.

~~council, as provided in this Charter.~~ The mayor shall have only those administrative duties required to carry out the above responsibilities.

*Above changes were recommended by city council. "There was consensus to designate signatory authority to the city manager for operational activities (charter revision or resolution to be determined by Ms. Fernandez). AND There was consensus to review the charter on advisory board appointments."

Not all documents require mayor's signature (Feinsod)

Appointments by mayor – policy changed (Feinsod)

Process servers should not require mayor. It's a hand off that doesn't even require a signature. (Feinsod) (Staff note: State law requires that an elected official accept service.)

(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.

*Above change was recommended by city council.

See Fiedler's note under 3.04(a) below.

Charter Review Committee Recommendation:

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 preside in-person when a physical quorum is required. 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 his designee; as signer of checks for payment of obligations, except as otherwise delegated by the city council to the city manager or his designee; and as the city official designated to represent the city in all agreements with other governmental entities. The mayor may only withhold a signature on a properly submitted document with consent of a five-person majority vote of city council. Should the mayor be unwilling or unable to sign a properly submitted document within three business days, the document may be signed first by the vice-mayor and then by any city councilmember in order of seat number. ~~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.

(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. Should both

the mayor and vice-mayor not be physically present at a meeting where a physical quorum is required, one of the city councilmembers in physical attendance shall be elected to serve as chairperson.

Council and Charter Review Version – No change.

Sec. 3.03. Qualifications.

Any resident of the city who has been a registered voter in the city for 12 consecutive months prior to the first day of qualifying shall be eligible to hold the office of mayor or city councilmember. A resident, for the purpose of qualifying for office, shall be a person whose principal place of physical residence is in the city on a continuing basis. The city council shall be the judge of the election and qualifications of its members.

Initial Comments from City Council. Charter Review Committee recommends no changes.

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.

Rotate the mayor's position by consecutive seat numbers. No one/seat would be mayor more than once every 5 years if we have 5 councilmembers of 7 years if we remain at 7 councilmembers. The same procedure would be done with the vice mayor position. It would also rotate according to seat number. This would create a more participatory and collegial council. (Fiedler)

Mayors and county commission chairs in our immediate vicinity are elected on an annual basis by members of each respective governing body, (e.g. City of Sarasota, Sarasota County, North Port, Longboat Key). These jurisdictions are governed under a city manager or county administrator form of government, with the mayor and county chair serving primarily in a ceremonial capacity. Venice is unique in that the largely ceremonial position of mayor is elected by citizens every three years. The substantiation for this significant distinction may be worthy of evaluation. (Cautero)

- (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 three ~~six~~ consecutive elected terms.

*Above change was recommended by city council. "There was consensus to review charter on term limits-no break if switching from council to/from mayor."

Assuming the mayor continues to be elected by citizens, perhaps an appropriate “time out of office” period should be considered if a three-term limited city councilmember wishes to consecutively run for the office of mayor. (Cautero)

Possible total time in office 18 years (Feinsod)

Term limits for mayor +council seats, up to 6 consecutive terms =18yrs? (Moore)

(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.

Initial Version/Comments from City Council:

Sec. 3.05. Compensation and expenses.

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.

Increase council salary and include an automatic CPI (Fiedler)

Bring up to date and compare to other local governments (Feinsod)

Review council compensation (Kelly)

Charter Review Committee Recommendation:

Sec. 3.05. Compensation and expenses.

The salary of city councilmembers shall be equal to 20% of the salary of Sarasota County Commissioners, which is determined by the state legislature. The salary of the mayor shall be equal to the 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.~~

Council and Charter Review Version – No change.

Sec. 3.06. Prohibitions.

- (a) *Appointment and removals.* A city councilmember shall not in any manner dictate the appointment or removal of any city administrative officer or employee whom the Charter officers or any of their subordinates are empowered to appoint, but any city councilmember may express his or her views and fully and freely discuss with the appropriate Charter officer anything pertaining to appointment and removal of any officer or employee.
- (b) *Interference with administration.* Except for the purpose of inquiries and investigations, the city council shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately. Councilmembers shall, however, closely scrutinize, by questions and personal observation, all aspects of city government operations so as to obtain independent information to assist members in the formulation of sound policies to be considered by the city council. It is the express intent of this charter, however, that recommendations for improvement in city government operations by city councilmembers be made to and through the charter officers, so that they may coordinate efforts of their departments to achieve the greatest possible savings through the most efficient and sound means available.
- (c) *Holding other office.* No former elected city official shall hold any compensated appointive city office or employment until one year after the expiration of the term for which the official was elected.
- (d) *Relinquishing city property.* The city shall not relinquish any right that it has in real property, a road right-of-way or easement of public streets without a public notice and a public hearing.

Initial Version/Comments from City Council:

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,

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- (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 shall constitute grounds for forfeiture of office as well as be subject to any civil and/or criminal penalties provided by law.
- (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 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.

Clarification regarding method of selection. Does this follow procedures used for other appointments based on recent policy changes? (Feinsod) (Staff note: Resolution No. 2020-38 provided in Reference documents)

- (e) *Emergency succession.* The city council shall adopt by ordinance, a plan for emergency succession.

Is there a plan that has been created by ordinance? If it's an emergency, there should be a plan in place ahead of time. (Feinsod) (Staff note: Sec. 26-62 and 26-63 addresses emergency succession – copy provided in Reference documents)

- (f) *Procedure of forfeiture.* A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such

hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the city council under this section shall be subject to judicial review.

Charter Review Committee Recommendation:

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.
- (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 shall constitute grounds for forfeiture of office as well as be subject to any civil and/or criminal penalties provided by law.
- (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 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.
- (e) *Emergency succession.* The city council shall adopt by ordinance, a plan for emergency succession.
- (f) *Procedure of forfeiture.* A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the city council under this section shall be subject to judicial review.

Initial Comments from City Council. Charter Review Committee recommends no changes.

Sec. 3.08. Procedure.

- (a) *Meetings.* The city council shall meet regularly at such times and places as necessary to effectuate the city's business and that will encourage and permit attendance by the greatest number of city residents. Special meetings may be held on the call of the mayor or of a majority of the councilmembers. All meetings shall be public except as exempted by state law.

Depending on the circumstances, the city manager may be best suited to determine the extent of an emergency. As such, it may be prudent to also consider granting the city manager authority to call a special meeting, in addition to the mayor and a majority of councilmembers. (Cautero) (Staff note: Ord. No. 2020-27 allows the city manager to call an emergency meeting. Ordinance provided in Reference documents.)

- (b) *Rules and journal.* The city council shall determine and adopt its own rules and order of business by ordinance. However, in the absence of a rule, Robert's Rules of Order (latest edition) shall govern. The city council shall keep written minutes of all regular and special meetings which shall be a public record and which shall be open for inspection by the public.
- (c) *Voting.* Voting on ordinances and resolutions shall be recorded in the minutes of all meetings. A total of four persons, with or without the mayor, shall constitute a quorum. A smaller number may convene from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed in the rules of the city council. Four affirmative votes shall be required to approve a contract, to pass a resolution or for the final adoption of an ordinance. Should an ordinance, resolution or contract receive an affirmative vote of less than four, but the affirmative votes of enough when added to the absent members to make four, the ordinance, resolution or contract shall be automatically rescheduled/continued once to the next regular meeting.

*Above change was recommended by city council.

Council and Charter Review Version – No change.

Sec. 3.09. City clerk.

- (a) *Appointment and qualifications.* The mayor shall appoint a city clerk, with the advice and consent of the city council, who shall serve at the pleasure of and for such compensation as determined by the city council. The city clerk shall be appointed solely on the basis of professional qualifications.
- (b) *Duties.* The city clerk shall be head of the department of records and custodian of all official records of the city and shall be responsible to the city council for the proper administration of all affairs concerning the records of the city placed under the city clerk's authority and shall:
 - (1) Perform such duties as may be prescribed by law, by the City Charter, by ordinances of the city and by direction of the city council.
- (c) *Appointment of deputy city clerks.* The city clerk may appoint such deputy city clerks as may be necessary to efficiently carry out the city clerk's duties. The appointment of any such deputy city clerk shall be presented to council in the form of a written resolution subject to a majority vote of council. Such appointment must be of record before the signature of any such deputy city clerk shall be effective.
- (d) *Direction and supervision.* The city clerk shall direct, supervise and administer all the employees of the clerk's department provided by charter, ordinance, resolution, rules and regulations of the city, or by general law.

Initial Comments from City Council. Charter Review Committee recommends no changes.

Sec. 3.10. City attorney.

- (a) *Appointment and qualifications.* The mayor shall appoint the city attorney, with the advice and consent of the city council, who shall serve at the pleasure of and for such compensation as determined by the city council. The city attorney shall be a member of the Florida Bar.
- (b) *Duties.* The city attorney shall serve as the chief legal adviser to the city council, all boards and commissions, the city manager, the city clerk and all departments, offices and agencies. He shall supervise and/or represent the city in all legal matters except as otherwise directed by city council. He shall also perform any other duties as directed by the city council or prescribed by state law, by this Charter or by ordinance.

References to City Manager as “he” remind me that the whole Charter should be edited to gender neutral reference. (Moore)

(Staff note: Sec. 1.01 of the Code of Ordinances: Definitions - *Gender*. The masculine includes the feminine and neuter and vice versa. **State Law reference—** Similar provisions, F.S. § 1.01(2). **F.S. 1.01 Definitions.**—In construing these statutes and each and every word, phrase, or part hereof, where the context will permit:

- (1) The singular includes the plural and vice versa.
- (2) Gender-specific language includes the other gender and neuter.)

Sec. 3.11. Reserved.