

M E M O R A N D U M

To: Town Commission
From: Tom Harmer, Town Manager
Report date: November 2, 2022
Meeting date: November 7, 2022
Subject: Ordinance 2022-26, Providing for Referendum Language Relating to Date Change when July Regular Meeting Falls on, or Adjacent to, July 4 Holiday

Recommended Action

Provide direction to Manager.

Background

At their October 17, 2022 Regular Meeting the Town Commission adopted their 2023 Town Commission Meeting schedule. A subject of discussion however, was the July Regular Meeting date/time of Monday, July 3 at 9:00 am. The Towns Charter states

Sec. 13. - Meetings.

- (a) Pursuant to Article II, Section 6, of this Charter following each general municipal election, the town commission shall meet at the usual place for holding the meeting of the legislative body of the town, at which time the newly elected commissioners shall assume the duties of office. Thereafter the town commission shall meet at such times as may be prescribed by ordinance or resolution, except that it shall meet regularly not less than once each month for a regular voting meeting and once each month for a regular non-voting workshop, except that the regular non-voting workshops in the months of July and August and the regular monthly voting meeting in the month of August may be cancelled by the commission if cancelled at least thirty (30) days prior to the day on which the meeting would normally be conducted.

The requirement to hold a monthly Regular Meeting, except in the month of August, often creates a situation where the July 4th holiday occurs on the first Monday of July, or adjacent to, as in this year where July 4th holiday falls on Tuesday with many of our residents, Commissioners also, make use of both of those days as a 4-day holiday weekend. It is also noteworthy to add that the Commission Summer Recess begins immediately following the July Regular Meeting and as often as possible the July Regular Meeting is scheduled as close to, or on July 1 when possible. In looking at options to have the meeting prior to the July 4th holiday and start of Summer Recess, it was discovered that the Charter requirement would preclude scheduling the July Regular Meeting business during the last week of June.

The Commission discussed a preference to have the July Regular Meeting business conducted in the last week of June if possible and prompted direction to the Town Attorney and Town Manager to draft an ordinance to provide for referendum language for a Charter Amendment to enable scheduling the July Regular Meeting during the last week of June, when the July Regular Meeting falls on, or adjacent to, the July 4th holiday.

The Town Attorney drafted two ballot question options for the Town Commission to consider. See her memorandum which is attached. The first option provides the flexibility for the Commission to cancel the July voting Commission Meeting and leaves the issue of rescheduling to the Town's Ordinances. The second option specifically allows the cancellation of the July voting meeting if the meeting is rescheduled to an alternate June meeting date.

The staff prefers linking the cancellation to a reschedule (Option 2) directly in the Charter as the July meeting is historically part of the annual meeting schedule and we don't recommend the cancellation of one of the 11 voting meetings during the year. That meeting is also important as it is the meeting where the Commission acts on setting of the maximum millage rate for the next fiscal year. The final values must be set by law by the property appraiser by July 1st each year. The Town has until August 4th to set the rate, but we have historically set that rate the first week of July. We have been receiving those values a day or two before the July 1st date and in most cases could accommodate an end of June meeting date if the July date has a July 4th holiday weekend conflict. We think the Option 2 language is consistent with the Commission's request. Either option will ultimately address the flexibility requested by the Commission to address July meeting date conflicts. The Commission calendar has traditionally included a placeholder meeting during the last week of June due to Site Development Plan season exempting consideration of quasi-judicial land use decisions during the months on July and August.

The Town Commission is permitted to initiate its own Charter amendment through the placement of a Charter amendment question on a ballot for consideration by the Town's qualified electors. See Fla. Statute 166.031. To pursue such an amendment, an ordinance must be adopted by the Town Commission following the statutory rules and guidelines for the adoption of any ordinance. See Fla. Statutes 166.041 (specifying two readings held 10 days apart with notice/advertising.) An amendment approved by the qualified voters is subsequently incorporated in the Charter following an election when the revised Charter is filed with the Department of State. (Note the Town's Charter amendment process parallels Fla. Statutes process provided for in general law. See Article VII of the Town's Charter.)

In order to place a referendum question on the March 2023 ballot, an ordinance meeting all Fla. Statutes and Town Code requirements must be adopted at second reading and public hearing no later than the Town Commission's December 5, 2022 Regular Meeting. This deadline is necessary so that the referendum language can be forwarded to the Manatee and Sarasota Supervisors of Elections in sufficient time for their offices to print the ballots. If the majority of the voters at the March 2023 election approve of the Charter amendment question, the amendment will be adopted. If a majority of the voters reject the referendum question, then the current provisions in the Charter remain unchanged.

In the event there are no other ballot questions, or Commission District elections, the cost for the Town to place this question before the voters would be between \$10,000 - \$20,000.

This cost cannot be further refined until both Counties determine early voting, the additional advertising for Charter amendments, Spanish translation of the referendum question, and printing ballots in both English and Spanish.

Staff Recommendation

Provide direction to Manager.

Attachments (Available in Town Clerk's Office)

- A. Town Attorney Memorandum dated November 1, 2022, Charter Amendment to Article II, Section 13- Meetings
- B. Ballot Language Options

End of Agenda Item