

M E M O R A N D U M

To: Town Commission
From: Tom Harmer, Town Manager
Report date: November 28, 2022
Meeting date: December 5, 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

Consider Ordinance 2022-26.

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. The first option provides the flexibility for the Commission to cancel the Commission's July voting 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. At the November 7, 2022 Regular Meeting, the Commission directed the Town Manager and Town Attorney proceed to a public hearing on December 5, 2022, with the Option 1 language listed below.

REFERENDUM QUESTION:

Shall Article II, Section 13, of the Charter of the Town of Longboat Key be amended to allow the Town Commission to cancel the Town Commission's July regular voting meeting with advance notice of at least thirty (30) days prior to the meeting date?

YES - FOR ADOPTION _____
NO - AGAINST ADOPTION _____

The Commission also discussed the upcoming March election and the current qualifying period for the district seats that are open. If there are no uncontested seats, the placement of this item on the ballot would require the Town to pay for the costs to both Supervisor of Elections. The Town Clerk estimated the cost to be approximately \$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.

The Commission indicated that they would reconsider placing this item on the ballot if there were no contested Commissioner seats. The qualifying period closed on November 21, 2022. At that time, the District 1 seat had two qualified candidates. Seats 3 and 5 each had one candidate qualify for each seat.

Since the end of the qualifying period, one of the two Seat 1 candidates withdrew, resulting in no contested seats in all three races. Therefore, there would not be a Town ballot for candidates on the March election and this proposed charter amendment would be the only item for the voters to consider. The Town will be responsible for funding the placement of this item on the ballot. Based on Commission's previous discussion there are at least two options. Adopt Ordinance 2022-26 and place the Charter Amendment on the March 14, 2023, ballot or take no action and reconsider this type of an amendment at a later date.

If the Commission decides to adopt Ordinance 2022-26 at your December 5, 2022, Regular Meeting, the Town will meet the required deadline for this election cycle 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 14, 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. If the Ordinance is adopted, the Town Clerk will work with both Supervisor of Elections to schedule and fund the necessary costs associated with the ballot question.

Recommended Action

Consider Ordinance 2022-26

Attachment

Ordinance 2022-26 (Available in Town Clerk's Office)

End of Agenda Item