

M E M O R A N D U M

To: Mayor Schneier and Town Commission
CC: Howard Tipton, Town Manager
From: Maggie D. Mooney, Esq., Town Attorney
Date: May 14, 2024
Subject: Charter Amendment – Commission Compensation Consideration

At the April 14, 2024, Town Commission Retreat, a discussion ensued relating to the potential placement of a Charter amendment referendum relating to Commissioner compensation on the November 5, 2024, General election ballot. A consensus was reached among the Town Commissioners to “further discuss a ballot referendum at the May Regular Workshop.” The purpose of this Memorandum is to provide the Town Commission with the historical and technical requirements associated with a Charter amendment, advise the Town Commission of the applicable deadline required by the Supervisor of Elections offices to place such a referendum question on this November’s ballot, and seek direction from the Town Commission on the level of compensation flexibility the Town Commission desires within a charter amendment.

The Town Commission has previously discussed relaxing the existing prohibition on Commissioner compensation found in Art II, Section 3 of the Town of Longboat Key Charter as recently as September 2022. At that time, my office and Town Staff compiled historical information and statewide municipal compensation data and included that information in a September 16, 2022, Memorandum. A copy of the September 16, 2022, Memorandum and its exhibits is attached as Exhibit A. The September 2022 Memorandum includes a summary of the two (2) prior failed attempts to modify the Charter compensation language (in 1998 and 2002) and also provides information on other municipal elected officials’ compensation as gathered by the Florida League of Cities.

The Manatee and Sarasota County Supervisors of Elections have indicated that they would allow a Charter referendum to be placed on the November 5, 2024, General Election ballot, but that their respective offices must receive the adopted Town ordinance with the referendum language no later than August 5, 2024. Accordingly, there is time for the Town Commission to have two readings of an ordinance with Charter referendum language adopted during the month of June before the Town Commission’s summer recess.

As mentioned previously in the September 2022 Memorandum, there are many approaches to determining municipal elected official compensation. The Town Commission must evaluate how much compensation flexibility the elected body desires and how much compensation the voters will ultimately approve. The approach that provides the greatest flexibility to the Town Commission on compensation would allow the Town Commission to set its own compensation by ordinance. The approach that would provide the least amount of flexibility would set a stationary amount of compensation payable at a measured interval (i.e., annually, monthly, per meeting, etc). Ultimately, there is wide latitude between those two options. Consequently, it is important for the Town Commission to discuss and arrive at a consensus on how it would like compensation measured in the Charter.

If the Commission wants to pursue a Charter amendment on the issue of Commissioner compensation, then the Town Commission is requested to provide the necessary direction on the desired approach to compensation so an appropriate ordinance can be developed and brought back to the Town Commission for first reading at the June 3, 2024 Town Commission meeting.

If there are any questions or concerns about this Memorandum or the Exhibits, please do not hesitate to contact me directly.

Attachment

September 16, 2022 Memorandum to Mayor Schneier & Town Commission with Exhibits (Available in the Town Clerk's Office)

End of Agenda Item