



**Meeting Date:** April 21, 2016

**Agenda Item:** 13-B

## **Report to Town Council**

**Topic:** Discussion of Charter Review / Council Terms of Office.

**Recommended Motion:** As determined by Council.

**Summary:** Please see attached memorandum from Ms. Witt.

**Requested by:** Vice-Mayor Hoss

**Approved by:** Ms. Witt, Town Manager

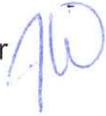


## MEMORANDUM

### TOWN OF PONCE INLET – OFFICE OF THE TOWN MANAGER

*THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.*

**TO:** Town Council

**FROM:** Jeaneen Witt, CMC, Town Manager 

**DATE:** April 12, 2016

**SUBJECT:** Charter Review – Council Terms of Office

---

At a Council meeting in September of last year, Councilmember Perrone brought forth the discussion of the terms of office for town council members. He proposed a transition to a three-year term, which would allow for a slightly longer term of office and would still have an election every year. His memorandum from that meeting along with the ordinance which was prepared for consideration is attached to this memo.

The Council indicated at that September 2015 meeting that it might be best to examine Council terms of office at the same time that a full charter review was conducted. Therefore, at the January 2016 goals session, charter review was added to the list of goals for the coming two years.

Any discussion however, of the charter review was then postponed for a few months, as the State Legislature considered a bill which would have eliminated the possibility for municipalities to hold elections in odd-numbered years – the determination of which would be critical to any charter review consideration. The State did not pass this bill, but of course it remains a potential for future consideration.

Though all municipalities in Volusia County have opted into the County's Unified Election System, Ponce Inlet is one of only two left to hold annual elections. The other one, Lake Helen, will be proposing a change to four-year staggered terms this year. All of the other Volusia municipalities and the County have moved to either four year staggered terms (12 cities) or two year non-staggered terms (2 cities). Holding an election at the same time as other municipalities and the County is of minimal cost to the Town, while holding one individually has a cost of approximately \$5,000 to \$6,000.

Terms of Office for the Elected Officials of Volusia County & Municipalities within:

Daytona Beach	4 year staggered
Daytona Beach Shores	4 year staggered
Debary	4 year staggered (just changed from 3 year staggered)

DeLand	4 year staggered
Edgewater	4 year staggered
Holly Hill	2 year non-staggered
Lake Helen	2 year staggered (will be proposing a change to 4 years staggered)
New Smyrna Beach	4 year staggered
Oak Hill	4 year staggered
Orange City	4 year staggered
Ormond Beach	2 year non-staggered
Pierson	4 year staggered
Port Orange	4 year staggered
Ponce Inlet	2 year staggered
South Daytona	4 year staggered
Volusia County	4 year staggered

Given all of the above information, Vice-Mayor Hoss has asked me to notify all of you of her proposal for this item with the following points:

- Given that no other portion of the Town's charter has given any indication of being problematic, it may be an unnecessary expense to undergo a full charter review.
- In order to have a charter amendment referendum on the Town's 2016 election, the attorney will need clear direction at the April Town Council meeting to prepare an ordinance for first reading in May and second reading in June.
- Vice-Mayor Hoss would like for Council to consider creating a ballot question to create four year terms, so as to maintain the current stagger of terms.
- Council may also wish to consider creating a second ballot question, reliant upon the passage of the first, to allow citizens the option of incorporating retroactivity so that seats 1, 3, & 5 would be extended by one year at the same time that seats 2 & 4 were being voted-in for four year terms so there would no longer be any odd-year elections.

## DISCUSSION OF TERM OF SERVICE FOR COUNCIL MEMBERS

The town has again completed another election cycle where three council members were up for reelection. Notwithstanding the fact that one of these three seats was not contested, the possibility for the future remains that, every two years, three council seats, representing a majority vote on the council, can change in one election cycle.

Before presenting the reasons why extending the term of council members should be considered, I realize that such a recommendation had been presented to the public in the past with a resounding "NO" response. At that time, however, the proposal was for council terms to run for four years. I am opposed to having four year terms for council members because it's just too long, plus the fact that there would be one year, at least, where no council seat would expire requiring an election. The only justification for four year terms would be to save the expense of conducting an election in certain years, which, in my opinion, would not be in the best interest of the public.

I am proposing that the town council discuss a change in the future terms in office of council members from two years to three years with the objective of future elections to this office having a rotation cycle as follows:

- Year one: Two council members to serve for three years;
- Year two: Two council members to serve for three years;
- Year three: Election of the mayor to serve for three years.

With this type of staggered terms, a turnover of the majority of the council would not happen in any one year and the public will still have a voice in selecting council members every year. Listed below the reasons for the proposed longer three year terms:

1. It ensures that a majority of the council will not turn over in one election cycle.
2. It can take as long as one year for a new council member to come up to speed with regard to training and experience, especially if the new member had no prior board experience, which would leave only one additional year of service if not reelected.
3. Running for election (or reelection) is expensive and time consuming for candidates seeking office. A longer term of service might encourage more community interest in serving on the council.
4. The public can still express its approval (or disapproval) of council members on Election Day every year.

In discussing these proposed changes in council terms of office, it is obvious that some of us currently on the council could automatically extend our terms if this proposal should be accepted and voted on by the public before existing terms had expired. For this reason, I would propose that, if approved, it should take effect only when the current terms of those of us now on the council would expire, with no automatic adjustments. This would mean that, assuming it is placed on the ballot for approval by the voters in August 2016, when Bill Milano and I would be up for reelection, that it would take effect, as follows:

Seats 2 & 4: (Bill Milano & Joe Perrone) - current term in office to end Nov. 2016. After 2016 election, new term to run for two years from Nov. 2016 – Nov. 2018, with term for seats 2 & 4 increasing to every three years beginning with the 2018 election.

Seats 3 & 5: (Mary Hoss & Lois Paritsky) - current term in office to end Nov. 2017. After 2017 election, new term for seats 3 & 5 to run for three years (from Nov. 2017 – Nov. 2020), and every three years thereafter.

Seat 1 (Mayor): (Gary Smith) - current term in office to end November 2017. After 2017 election, new mayoral term to run for two years to Nov. 2019, with term increasing to three years beginning with the 2019 election.

Respectfully submitted for discussion at the Sept. 2015 town council meeting,

  
Joe Perrone

**ORDINANCE 2015-XX**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA PROVIDING FOR AMENDMENT OF THE TOWN CHARTER BY AMENDING SECTION 3.02 "ELECTION AND TERMS"; REVISING CHARTER PROVISIONS WHICH CURRENTLY PROVIDE FOR A TWO (2) YEAR TERM OF OFFICE FOR THE MAYOR AND TOWN COUNCILMEMBERS TO PROVIDE FOR A THREE (3) YEAR TERM OF OFFICE FOR THE MAYOR AND TOWN COUNCILMEMBERS; PROVIDING FOR TRANSITION FROM THE TWO (2) YEAR TERM TO THE THREE (3) YEAR TERM AND PROVIDING FOR STAGGERED TERMS OF OFFICE; PROVIDING FOR AMENDMENT OF THE CHARTER BY AMENDING SECTION 3.05(C), "VACANCIES: FORFEITURE OF OFFICE: FILLING OF VACANCIES"; REVISING CHARTER PROVISIONS GOVERNING THE FILLING OF COUNCILMEMBER SEAT VACANCIES BY THE TOWN COUNCIL; PROVIDING FOR SUBMISSION TO THE ELECTORS FOR APPROVAL OR DISAPPROVAL OF THE PROPOSED CHARTER AMENDMENTS SET FORTH HEREIN; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR A REFERENDUM ELECTION; PROVIDING PROCEDURES FOR BALLOTING; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR INCLUSION IN THE CHARTER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section 166.031(1), Florida Statutes (2005), requires the governing body of a municipality to, by ordinance, submit any proposed amendment to its charter to the electors of the municipality at a general or special election; and

**WHEREAS**, the Town Council of the Town of Ponce Inlet, Florida (the "Town Council") desires to submit to the Town citizens for consideration whether the current Town Council term lengths of two (2) years, as provided by Section 3.02(c) of the Town Charter, should be increased to term lengths of three (3) years; and

**WHEREAS**, the proposed Charter amendment would increase the term lengths of the Mayor and Town Council from two (2) years to three (3) years; and

**WHEREAS**, if the Charter amendment is approved by the voters, in order to maintain staggered terms for the Town Council, the term for seat one (mayor) would be extended by one year until November 2018, seats two (2) and four (4) which are scheduled for the same election

as this proposed amendment would be for the three year term of November 2016 – November 2019, and the next election for seats three (3) and five (5) will be conducted as currently scheduled for the 2017 regular election for the three year term of November 2017 – November 2020; and

**CODING:** words underlined are additions; words ~~stricken~~ are deletions.

**NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA:**

**SECTION 1. PROPOSED CHARTER AMENDMENT**

Section 3.02 (governing Election and Terms) of the Town Charter be amended, upon a vote of a majority of the Town electors in favor of such an amendment, to read as follows:

Section 3.02. Election and Terms.

(a) Members of the Town Council must be electors of the Town of Ponce Inlet.

(b) The regular election of Town Council members shall be held according to the Volusia County Uniform Municipal Election Schedule. Newly elected members shall take office at the first regular Council meeting in the month of November immediately following their election and upon having filed a written oath of office with the clerk. Members of the council may succeed themselves.

(c) The Town Council shall be composed of five (5) members elected at large by the qualified electors of the Town of Ponce Inlet. A Mayor and four (4) Council members shall be elected to staggered terms of ~~two (2)~~ three (3) years; the Mayor shall be elected to a term of ~~two (2)~~ years. Each Council member shall run for a numbered seat. To maintain staggered seats, Town Council members shall be elected for seats two (2) and four (4) in the 2016 regular election for a three (3) year term, expiring in 2019; even numbered years and for seats three (3) and five (5) in the 2017 regular election to a three (3) year term, expiring in 2020; and for seat one (1), Mayor, the current two (2) year term shall be extended by (1) year for a total three (3) year term expiring in 2018. odd numbered years. Seat one (1) shall be the Mayor who shall run in odd numbered years. Thereafter, Town Council elections shall proceed as described herein.

**SECTION 2. FORM OF BALLOT RELATED TO SECTION 1**

The form of ballot for the Charter amendment provided for in Section 1 of this Ordinance shall be, as follows:

"Term of Office of Councilmembers.

The Town Charter provides for two year terms for the Mayor and Councilmembers. This Charter amendment would extend these terms to three years. To maintain staggered seats, Town Councilmembers shall be elected for seats two and four in the 2016 election to a three year term; seats three and five in

the 2017 election to a three year term; and for seat one, Mayor, the current two-year term shall be extended by one year for a total three-year term expiring in 2018.

Shall the above-described Charter amendment be adopted?

\_\_\_\_\_ Yes – For Amendment

\_\_\_\_\_ No – Against Amendment”

**SECTION 3. REFERENDUM ELECTION**

A referendum election is hereby called and scheduled to be held on the date as provided by the Volusia County Uniform Municipal Election Schedule for the Town’s regular election in 2016, to determine whether the ballot question appearing in Section 2 hereof shall be approved by a majority of the votes cast in such election in which qualified electors residing in the Town shall participate. Such referendum election shall be held and conducted in the manner prescribed by law. The places for voting in such referendum election shall be such locations as are established for all Town elections. All duly qualified electors of the Town of Ponce Inlet shall be entitled to participate in said election.

**SECTION 4. NOTICE OF REFERENDUM ELECTION**

Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Town at least thirty (30) days prior to said election, the first publication to be in the fifth (5<sup>th</sup>) week prior to the election, and the second publication to be in the third (3<sup>rd</sup>) week prior to the election, and shall be substantially in the form set forth in this Ordinance or as otherwise lawfully provided. Copies of this Ordinance shall be made available for public inspection during regular business hours at the Town Hall.

**SECTION 5. COORDINATION WITH SUPERVISOR OF ELECTIONS AND DUTIES OF TOWN CLERK**

The Town Clerk, with necessary assistance from the Supervisor of Elections for Volusia County, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Ordinance. The Town Clerk is authorized to arrange for early voting as authorized by law.

**SECTION 6. VOTER REGISTRATION BOOKS**

The Supervisor of Elections for Volusia County is hereby authorized and requested to furnish to the inspectors and clerks at each place where the votes are to be cast in such Town Charter referendum, applicable portions of the registration books or certified copies thereof showing the names of the qualified electors residing in the Town of Ponce Inlet.

**SECTION 7. INCLUSION IN THE CHARTER**

It is the intention of the Town Council, and it is hereby ordained that the provisions of Section 1 of this Ordinance shall become and be made a part of the Charter of the Town of Ponce Inlet, Florida, as to any Charter amendment measure approved by a majority of voters voting on such measure in such election; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; that the word "Ordinance" may be changed to "Section" or other appropriate word.

**SECTION 8. EFFECTIVE DATE**

This Ordinance shall take effect immediately upon its adoption. The proposed Town Charter Amendment described in Section 1 above, shall only be effective if a majority of the qualified electors of the Town of Ponce Inlet voting at the general election vote for its adoption and shall be considered adopted and effective upon certification of the election results as provided herein.

**SECTION 9. CONFLICTING ORDINANCES**

All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**SECTION 10. SEVERABILITY**

If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, that holding in no way affects the remaining portions of this Ordinance.

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that said Ordinance be passed on first reading. A roll call vote of the Town Council on said motion resulted as follows:

- Mayor Smith, Seat #1 \_\_\_\_\_
- Councilmember Perrone, Seat #2 \_\_\_\_\_
- Vice-Mayor Hoss, Seat #3 \_\_\_\_\_
- Councilmember Milano, Seat #4 \_\_\_\_\_
- Councilmember Lewis, Seat #5 \_\_\_\_\_

Passed upon first reading this 17<sup>th</sup> day of September 2015.

It was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that said Ordinance be adopted on second reading. A roll call vote of the Town Council on said motion resulted as follows:

Mayor Smith, Seat #1 \_\_\_\_\_  
Councilmember Perrone, Seat #2 \_\_\_\_\_  
Vice-Mayor Hoss, Seat #3 \_\_\_\_\_  
Councilmember Milano, Seat #4 \_\_\_\_\_  
Councilmember Lewis, Seat #5 \_\_\_\_\_

Passed and Adopted upon second reading this 15<sup>th</sup> day of October, 2015.

Town of Ponce Inlet, Florida

\_\_\_\_\_  
Gary L. Smith, Mayor

ATTEST:

\_\_\_\_\_  
Jeaneen Witt, CMC  
Town Manager/Town Clerk