



**Meeting Date:** May 19, 2016

**Agenda Item:** 11-A

### **Report to Town Council**

**Topic:** Ordinance 2016-02, submitting to the voters a proposed amendment regarding the Town Council's terms of office

**Recommended Motion:** Approval of the first reading of Ordinance 2016-02.

**Summary:** Please see attached staff report.

**Requested by:** Town Council

**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:** May 11, 2016  
**SUBJECT:** Referendum Regarding Town Council Terms of Office

At the April 2016 regular Town Council meeting, direction was given to the town attorney to prepare an ordinance calling for a referendum to be submitted to the electors regarding changing the terms of office to four years, instead of two, in order to maintain staggered terms while limiting elections to even years so that they would be fully uniform in the election process with federal, state, county, and the majority of cities within Volusia County. Additionally, the referendum was requested to be worded for even year elections to take effect immediately, subsequently extending the terms of seats 1, 3, and 5 by one year.

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
DeLand	4 year staggered
Edgewater	4 year staggered
Holly Hill	2 year non-staggered
Lake Helen	2 year 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

\*Lake Helen is proposing a change to 4 year staggered in the 2016 election.

**ORDINANCE 2016-02**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PONCE INLET, VOLUSIA COUNTY, FLORIDA, SUBMITTING TO THE ELECTORS OF PONCE INLET A PROPOSED AMENDMENT TO SECTION 3.02 OF THE CHARTER OF THE TOWN OF PONCE INLET REGARDING THE EXPANSION OF MAYORAL AND COUNCILMEMBER TERM LENGTHS; PROVIDING BALLOT TITLE, BALLOT SUMMARY AND QUESTION, AND TEXT FOR THE PROPOSED AMENDMENT; PROVIDING DIRECTIONS TO THE TOWN CLERK; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE FOR THE APPROVED AMENDMENT; PROVIDING FOR AN EFFECTIVE DATE FOR THIS ORDINANCE.**

**WHEREAS**, Section 166.031(1), Florida Statutes, 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 residents 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 four (4) years; and

**WHEREAS**, the proposed Charter amendment would increase the term lengths of the Mayor and Councilmembers from two (2) years to four (4) 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 seats one (mayor), three, and five 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 four-year term of November 2016 – November 2020.

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

**SECTION 1.** The Town Council of the Town of Ponce Inlet, pursuant to Section 166.031, Florida Statutes, hereby proposes and approves an amendment to the Charter of the Town of Ponce Inlet to be submitted to the electorate for consideration, which proposed amendment and the complete text thereof, as amended, is set forth in Section 3 below. Additions are shown with underlining, deletions are shown with ~~strike-through~~-type, and asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain unchanged.

**SECTION 2.** Such election shall be held in conformity with the laws of the State of Florida and the Charter and ordinances of the Town of Ponce Inlet now in force and relating to elections in

the Town of Ponce Inlet. The Supervisor of Elections of Volusia County is hereby requested to coordinate all matters to said referendum election to the Town Clerk. The proposed charter amendment shall be submitted to the voters at the November 2016 election.

**SECTION 3.** The propose amendment, the ballot title and the wording of the substance of the proposed amendment to the Charter, as contained in this Ordinance, shall appear on the ballot in the form of a question as follows:

**Town Charter Amendment 1:        EXPAND THE TERMS OF MAYOR AND COUNCIL MEMBERS FROM TWO (2) TO FOUR (4) YEARS.**

*Shall Section 3.02 of the Town of Ponce Inlet Charter be amended to expand the terms of mayor and council members from two (2) to four (4) years?*

\_\_\_ YES FOR APPROVAL

\_\_\_ NO FOR REJECTION

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) four (4) 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 four (4) year term, expiring in 2020; even-numbered years and the current term for seats one (1), Mayor, three (3), and five (5) shall be extended for one (1) year and in the 2018 regular election, seats one (1), Mayor, three (3), and five (5) shall be elected to a four (4) year term, expiring in 2022. 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 for terms of four (4) years.

**SECTION 4.** The Town Clerk is hereby directed to ensure that all advertising, translation and notice requirements are complied with and to coordinate all activities necessary to conduct the referendum election called for in Section 2 of this Ordinance with the Supervisor of Elections for Volusia County.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereto. This Ordinance shall take effect immediately and pursuant to the Town's Charter. The revised Charter provision proposed for approval in this Ordinance shall become effective upon its approval at a referendum election of the electors of the Town of Ponce Inlet in accordance with Section 166.031, Florida Statutes. If the electors reject the amendment, the rejected amendment shall not take effect.

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:

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Jeaneen Witt, CMC  
Town Manager/Town Clerk