

ORDINANCE NO. 2006-36

AN ORDINANCE OF THE CITY OF VENICE, FLORIDA, PROPOSING AMENDMENTS TO THE CITY OF VENICE CHARTER; AMENDING SECTION 4.04, POWERS AND DUTIES OF THE CITY MANAGER, DELETING CITY COUNCIL APPROVAL OF SUSPENSION OR REMOVAL OF THE POLICE CHIEF AND FIRE CHIEF; DELETING SECTION 3.11, FINANCE DIRECTOR; AMENDING SECTION 3.07(d)(1), VACANCIES, FORFEITURE OF OFFICE, STANDARD OF CONDUCT, FILLING OF VACANCIES, EMERGENCY SUCCESSION, PROCEDURE OF FORFEITURE, REVISING TERM OF OFFICE FOR MAYOR; AMENDING SECTION 3.04, CITY ELECTIONS AND TERMS, DELETING REQUIRED MINIMUM ONE-YEAR BREAK IN SERVICE; PROVIDING FOR A REFERENDUM ELECTION ON THE PROPOSED AMENDMENT; PROVIDING FOR THE ADMINISTRATION OF THE ELECTION; PROVIDING FOR A BALLOT QUESTION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR FILING WITH THE SUPERVISOR OF ELECTIONS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VENICE, FLORIDA, as follows:

SECTION 1. Findings. The City Council of the City of Venice, Florida hereby proposes to the electorate certain Charter revisions as hereafter set forth.

SECTION 2. Proposed Amendment of the City of Venice Charter. Pursuant to the provisions of Section 8.01(a) of the City of Venice Charter, it is proposed that said Charter be amended as follows. The proposed amendments shall be submitted in four questions as set forth in Section 6 of this Ordinance.

Sec. 4.04. Powers and duties of the city manager.

The city manager shall have the following powers and duties:

(a) *Appointment, suspension and removal.* Appoint and when deemed necessary for the good of the city, suspend or remove city employees and appointive administrative officers under the city manager's jurisdiction as provided for by city charter, ordinance, resolution, personnel rules of the city, or by general law. The city manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency. Provided, however, the city manager shall, with advice and consent of the city council, appoint, ~~suspend or remove~~ the police chief and fire chief or those officers whose duties generally embrace those of the office of police chief and fire chief in the event of consolidation of said offices.

(b) *Direction and supervision.* Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by charter, ordinance, resolution, rules and regulations of the city, or by general law.

(c) *Attendance at meetings.* Attend city council meetings and shall have the right to take part in discussion but shall not vote.

(d) *Execution of orders.* See that all ordinances, provisions of the charter and acts of the city council subject to the enforcement by the city manager or by the officers subject to the city manager's direction and supervision, are faithfully executed.

(e) *Preparation of proposed budget and capital program.* Prepare and submit the proposed annual budget and capital program to the city council.

(f) *Financial report.* Submit to the city council and make available to the public, on a timely basis, a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(g) *Miscellaneous reports.* Make such other reports as the city council may require concerning the operations of the city departments, offices and agencies subject to the city manager's direction and supervision.

(h) *Recommendations to city council.* Keep the city council fully advised as to the financial condition and future needs of the city. Recommendations to the city council concerning the affairs of the city shall be made by the city manager on a timely basis.

(i) *Reserved.*

(j) *Reserved.*

(k) *Miscellaneous duties.* Perform such other duties as are specified in the charter or as may be required by the city council.

Sec. 3.11. Finance Director

~~(a) *Appointment and qualifications.* The mayor shall appoint the finance director, with the advice and consent of the city council, who shall serve at the pleasure of and for such compensation as determined by the city council. The finance director shall be appointed solely on the basis of professional qualifications.~~

~~(b) *Duties.* The finance director shall be head of the Finance Department and custodian of all funds of the city and shall be responsible to [the] city council for the proper administration of all financial matters of the city placed under his authority by city charter, ordinance, resolution of the city, or by general law, and shall:~~

~~(1) Invest all funds of the city in such manner and places as shall be determined by the city council, however, he shall afford an opportunity for competition whenever practicable in making investments of funds;~~

~~(2) Serve as fiscal adviser to the city council;~~

- ~~(3) Prescribe and supervise all accounting procedures;~~
- ~~(4) Furnish all data required by the city manager or city council in respect to fiscal and budgetary matters;~~
- ~~(5) Receive and account for all monies belonging to the city from taxes, licenses, fees, rents, fines, and from all other sources and keep an accurate account thereof;~~
- ~~(6) Issue checks for warrants signed by authorized signatories;~~
- ~~(7) Furnish financial reports monthly, or when otherwise requested, to the city council;~~
- ~~(8) Perform such other duties as prescribed by this charter or by ordinances of the city or by direction of the city council.~~

~~(e) *Appointment of deputies.* The finance director may appoint such deputies as may be necessary to effectively carry out his duties; provided, that the appointment of any such deputy shall be approved by written resolution of the city council and shown in its minutes.~~

~~(d) *Direction and supervision.* The finance director shall direct, supervise and administer all the employees of the finance department as provided by charter, ordinance, resolution, rules and regulations of the city, or by general law.~~

Sec. 3.07. Vacancies, forfeiture of office, standard of conduct, filling of vacancies, emergency succession, procedure of forfeiture.

(a) *Vacancies.* The office of the mayor or a city councilmember shall become vacant upon death, resignation, forfeiture of office or removal from office in any manner authorized by law. Such forfeiture to be declared by the remaining members of the city council or upon the assumption of duties of another office pursuant to section 3.07(d)(1).

(b) *Forfeiture of office.* A councilmember shall forfeit that office if the councilmember:

- (1) lacks at any time during the term of office for which elected any qualification for the office prescribed by this charter or by law,
- (2) violates any express prohibition of this charter,
- (3) is convicted of a crime involving moral turpitude, or
- (4) fails to attend three consecutive regular meetings of the city council without being excused by the city council.

(c) *Standard of conduct.* The public officials and employees of the City of Venice are governed by the Florida Code of Ethics (F.S. § 112.311 et seq., as amended) and by those additional standards of conduct that are or may be adopted by the City of Venice. Violation of any provisions of such codes of ethics or standards of conduct in addition to any criminal penalty involved shall, pursuant to the applicable constitutional and statutory procedures, constitute grounds for and may be punished as provided by general law.

(d) *Filling of vacancies.*

- (1) In the event of a vacancy in the office of mayor, the vice-mayor shall assume the duties of mayor until the next regular city council meeting at which time the city council shall appoint a mayor from amongst its members. The appointed mayor shall serve until the next municipal election when a mayor shall be elected to serve ~~the remaining unexpired~~ a three year term of office; the acting mayor shall then resume his or her seat on the city council for his or her remaining unexpired term. The vacancy created by the appointment of the mayor shall be filled by appointment by the city council for the duration of that vacancy.
- (2) Vacancies in the office of city council shall be filled by the city council with any qualified resident so appointed to serve until a successor is elected at the next regular municipal election or special election earlier called for that purpose. A person elected in such election will serve the remaining unexpired term of the city councilmember whose vacant office is being filled.
- (3) If a vacancy is not filled by the city council within 30 days after the vacancy occurs, a special election shall be held within 60 days after such a vacancy occurs; and the person so elected shall serve the remaining unexpired term of office. No time served in an appointed status or while acting or serving an interim position in any office as an elected official shall be included in computing the length of any official's term of office.

(e) *Emergency succession.* The city council shall adopt by ordinance, a plan for emergency succession.

(f) *Procedure of forfeiture.* A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing. Decisions made by the city council under this section shall be subject to judicial review.

Sec. 3.04. ~~City elections and terms.~~ Elections, terms of office and term limits.

~~The mayor and city councilmembers shall be elected for terms of three years each. The terms of the city councilmembers shall be staggered so that two city councilmembers shall be elected each year. The mayor and city councilmembers shall be eligible for election to no more than three consecutive three year terms. No person may be elected to any elective office for a period exceeding nine years without a minimum break of one year except as provided in Article III, Section 3.07(d).~~

(a) The elected term of office for the mayor shall always be three years and no person shall serve as mayor for more than three consecutive elected terms.

(b) The elected term of office for city councilmembers shall be three years. The terms shall be staggered so that two city councilmembers shall be elected each year. Under certain circumstances as specified in Section 3.07, a city councilmember may be elected to serve the remaining portion of an unexpired term. No person shall serve as city councilmember for more than three consecutive elected terms.

(c) No person shall serve as mayor and as a city councilmember in any combination for more than six consecutive elected terms.

SECTION 3. Election. The regular election for the City of Venice to be held on November 7, 2006 will be the means for submitting to the qualified electors residing within the City of Venice the question of approval or rejection of the herein proposed amendments to the Charter.

SECTION 4. Polling Places. The general election shall be held at the polling places designated for city elections.

SECTION 5. Hours of Election. The polls shall be open at the polling places on the date of such election from 7:00 a.m. to 7:00 p.m. All qualified electors residing within the City of Venice may vote in said election. Early voting shall begin at locations selected by the Supervisor of Elections 15 days prior to the election and end at 5:00 p.m. on November 5, 2006. Early voting hours will be Monday-Friday 8:30 a.m.-4:30 p.m., Saturdays 9:00 a.m.-1:00 p.m. and Sundays 1:00 p.m.-5:00 p.m.

SECTION 6. Form of Ballot.

(a) The ballot to be used in the November 7, 2006 election shall be produced on the certified Sarasota County elections voting system. The ballot shall be in substantially the following form:

OFFICIAL BALLOT

PROPOSED CHARTER AMENDMENTS
CITY OF VENICE, FLORIDA

TITLE: AMENDMENT REGARDING THE SUSPENSION OR REMOVAL OF THE POLICE CHIEF AND FIRE CHIEF

SUMMARY: Shall the City of Venice Charter be amended to eliminate the requirement that the city manager obtain the advice and consent of city council in order to suspend or remove the police chief and fire chief?

YES, for the charter amendment
NO, against the charter amendment

TITLE: AMENDMENT TO CHANGE THE FINANCE DIRECTOR FROM A CHARTER OFFICER TO A DEPARTMENT HEAD

SUMMARY: Shall the City of Venice Charter be amended to change the position of Finance Director from a charter officer who serves at the pleasure of city council to a department head supervised by the city manager?

YES, for the charter amendment
NO, against the charter amendment

TITLE: AMENDMENT REGARDING THE TERM OF OFFICE FOR MAYOR WHEN FILLING A VACANCY

SUMMARY: Shall the City of Venice Charter be amended to provide that when filling a vacancy in the office of mayor that the person elected to fill the vacancy shall be elected for a term of three years?

YES, for the charter amendment
NO, against the charter amendment

TITLE: AMENDMENT REGARDING TERM LIMITS FOR THE OFFICES OF MAYOR AND COUNCILMEMBER

SUMMARY: Shall the City of Venice Charter be amended to provide that no person shall serve as mayor for more than three consecutive elected terms; that no person shall serve as councilmember for more than three consecutive elected terms; and that no person shall serve as mayor and as councilmember in any combination for more than six consecutive elected terms?

YES, for the charter amendment
NO, against the charter amendment

(b) The form of the ballot to be used in the election for early voting by mail shall be in substantially the form provided in subsection (a) above.

(c) Voting Instructions:

AT THE POLLS: The Supervisor of Elections will provide voting instructions at each polling place.

EARLY VOTING: Completely fill in the oval by the selection of your choice if using a mail ballot, or you may do early voting on the touchscreen at locations selected by the Supervisor of Elections beginning 15 days prior to the election and ending at 5:00 p.m. on November 5, 2006. Early voting hours will be Monday-Friday 8:30 a.m.-4:30 p.m., Saturdays 9:00 a.m.-1:00 p.m. and Sundays 1:00 p.m.-5:00 p.m.

SECTION 7. Effective Date. This Ordinance shall take effect immediately upon its adoption as provided by law and approval by the electorate at the referendum to be held on November 7, 2006.

SECTION 8. Filing With Supervisor of Elections. The City Clerk is hereby directed to file a certified copy and an electronic copy of this Ordinance upon adoption with the Supervisor of Elections of Sarasota County.

PASSED BY THE COUNCIL OF THE CITY OF VENICE, FLORIDA, THIS 22ND DAY OF AUGUST 2006.

First Reading: August 8, 2006
Final Reading: August 22, 2006

ADOPTION: August 22, 2006

R. Fred Hammett, Mayor

ATTEST:

Lori Stelzer, MMC, City Clerk

I, LORI STELZER, MMC, City Clerk of the City of Venice, Florida, a municipal corporation in Sarasota County, Florida, do hereby certify that the foregoing is a full and complete, true and correct copy of an Ordinance duly adopted by the City of Venice Council, at a meeting thereof duly convened and held on the 22nd day of August, 2006, a quorum being present.

WITNESS my hand and the official seal of said City this 23rd day of August 2006.

Lori Stelzer, MMC, City Clerk

Approved as to form:

City Attorney