



Meeting Name: Town Council Meeting
Meeting Date: September 13, 2023
Prepared By: Leonard G. Rubin, Town Attorney
Item Title: Charter Review Committee Recommendations

DISCUSSION: The Charter Review Committee appointed by the Town Council has completed its review of the Town Charter. Based on such review, the Committee is recommending revisions to Article III (Legislative), Article V (Qualifications and Elections) and Article VI (Initiative and Referendum). Each of the proposed changes is attached to the memo and highlighted in yellow.

Article III (Legislative) –

The Committee is proposing a revision to Section 1 to add a new subsection (c) to add language specifically referencing the Town Council’s budgetary responsibilities and the fiduciary responsibilities of the Councilmembers as the trustees of public funds.

The Committee is also proposing a revising to subsection (a) of Section 6 to provide that if the Mayor or a Councilmember ceases to be either a resident or elector of the Town as determined by a majority of the entire Town Council (three affirmative votes), the Mayor or Councilmember’s seat becomes vacant. Furthermore, the Committee is recommending that the Mayor or a Councilmember automatically forfeits his or her office if he or she:

1. Is convicted of or pleads nolo contendere to any felony; or
2. Is convicted of or pleads nolo contendere to any crime of fraud or dishonesty including, by way of example, larceny, theft, burglary, forgery, perjury, or embezzlement.

Finally, the Committee is proposing to add two new subsections to Section 8 (Procedure). The first revision would require that any amendment to the Town’s land development regulations that increases the permitted height or density within any zoning district would require an affirmative vote of all five Councilmembers. The second revision would require a unanimous vote of all five Councilmembers for a variance to the permitted height within any zoning district, effective upon expiration of the limitations set forth in Chapter 2023-304, Florida Statutes (Senate Bill 250). Currently, those limitations expire on October 1, 2024.

Article V (Qualifications and Election) –

The Committee is proposing a revision to Section 4 that would negate the need for run-off elections unless there was a tie vote. Under the proposed revision, the candidate receiving the greatest number of votes

cast at the election would be declared duly elected, even if that candidate did not receive a majority of the votes cast. However, if the top candidates receive an equal number of votes, the names of such candidates shall be submitted to the electors in a run off election. The candidates for such run off election shall be positioned on the ballot in the same manner as that utilized in the first election.

Article VI (Initiative and Referendum) –

The Committee is proposed two minor amendments to the initiative and referendum process. For the sake of internal consistency, the Committee is recommending that the reference to “a vote of the Town” in subsections (e)(2) and (f)(1) be changed to “a vote of the Town’s qualified electors.”

Should the Town Council decide to accept any or all of the Committee’s recommendations, the revisions would need to be submitted to referendum vote. Pursuant to Section 166.031, Florida Statutes, the Town Council would adopt an Ordinance setting forth the revised language; the ballot title; and an explanatory statement. The changes would only become effective if approved by a majority of the Town’s electors casting votes at the election.

RECOMMENDATION: Town Staff recommends that that Town Council consider the Charter Review Committee’s recommendations to the Town Charter and determine what revisions, if any, the Town Council wishes to submit to referendum vote.