

**TORCIVIA, DONLON,
GODDEAU & RUBIN, P.A.**

701 Northpoint Parkway, Suite 209
West Palm Beach, Florida 33407-1950
561-686-8700 Telephone / 561-686-8764 Facsimile
www.torcivialaw.com

Glen J. Torcivia
Lara Donlon
Christy L. Goddeau*
Leonard G. Rubin*

*FLORIDA BAR BOARD CERTIFIED
CITY COUNTY AND LOCAL GOVERNMENT ATTORNEY

Jennifer H.R. Hunecke
Elizabeth V. Lenihan*
Ruth A. Holmes
Ben Saver
Tanya M. Earley
Amelia Jadoo
Daniel Harrell, Of Counsel

April 15, 2025

VIA ELECTRONIC MAIL ONLY

Town Council
Town of Loxahatchee Groves
155 F Road
Loxahatchee Groves, FL 33470

RE: Charter Amendments

Dear Town Council:

This letter memorandum addresses the Town Council's interest to amend its Charter to adjust the election cycle for councilmembers to avoid annual elections, as well as other proposed amendments regarding borrowing authority, the Town Attorney's contract approval authority, and councilmember salaries. Below, I outline the process for charter amendments, and clarify legal requirements.

I. Charter Review Committee

To thoroughly evaluate potential charter amendments, the Town Council may wish to establish a Charter Review Committee. Pursuant to the Charter, the formation of such a committee requires the adoption of a resolution by the Town Council. A draft resolution is attached for your review and consideration. Additionally, a separate resolution will be required to appoint committee members.

Upon establishing the committee, the Town Council should provide clear guidance on the scope of the committee's review, including specific areas of focus (e.g., election cycles, borrowing authority), realistic expectations, and a deadline for submitting recommendations. I recommend a deadline of July 2025 to allow sufficient time for subsequent steps in the process.

II. Charter Amendment Process

Pursuant to Section 166.031, Florida Statutes, charter amendments must be proposed by ordinance, approved by the Town Council after two public readings, and submitted to the voters for approval through referendum at a general or special election. The key steps are as follows:

1. **Council Review and Ordinance Preparation:** Following the Charter Review Committee's recommendations, the Town Council may direct the Town Attorney or Town Staff to draft ordinances for each proposed amendment. Each ordinance must include specific ballot language for the referendum, as required by Section 166.031(1), Florida Statutes.
2. **Public Readings:** The Town Council must conduct two public readings of each ordinance. To meet deadlines for the March 2026 general election, I recommend the first reading occur at the September 2025 Town Council meeting and the second reading at the October meeting.
3. **Notification to Supervisor of Elections:** Following the adoption of the ordinance(s), the Town Clerk must notify the Supervisor of Elections by late November 2025 to ensure inclusion on the March 2026 ballot.
4. **Voter Approval:** A majority vote at the March 2026 election is required to approve each proposed amendment as required by Section 166.031(1), Florida Statute.
5. **Post-Approval Actions:** Upon voter approval, the Town Charter must be updated, and the amended charter filed with the Florida Department of State as mandated by Section 166.031(3), Florida Statute.

III. Proposed Charter Amendments

A. Election Cycles

The Town Charter currently provides for five councilmembers serving three-year terms, with terms expiring as follows:

- Seat 1 – expires March 2027 (currently held by Phillis Maniglia)
- Seat 2 – expires March 2028 (currently held by Lisa El-Ramey)
- Seat 3 – expires March 2027 (currently held by Anita Kane)
- Seat 4 – expires March 2028 (currently held by Paul Coleman II)
- Seat 5 – expires March 2026 (currently held by Marg Herzog)

This current structure results in an election each year, which the Council seeks to avoid.

The current language in the Charter concerning election terms and cycles reads as follows:

- Section 3. – Election and terms of Office.
 - (1)Term of office and term limits.
 - (a) Each council member shall be elected at large for a 3-year term by the electors of the town in the manner provided herein. Council members shall be sworn into office at the first regularly scheduled meeting following their election. Each council member shall remain in office until his or her successor is elected and assumes the duties of the position.
 - (b)Term limit.
 - 1. Individual council members shall be prohibited from holding office for more than two (2) consecutive terms. This term limit shall commence with terms beginning with the March 2020 municipal election. The term "holding office" shall be defined as serving as a council member. The term "consecutive terms" shall not include any time served as a result of an appointment or having been elected to a partial term to fill a vacancy.
 - 2. A person who has served the maximum amount of consecutive terms allowed by this charter as a council member shall not assume office again until a regular election cycle has expired following the completion of his/her last term of office. The resignation from, or forfeiture of, the office of a council member during any part of the three (3) year elective term shall be deemed to constitute a full and complete term under this section.
- Section 7. – Elections.
 - (3) Election dates. A special election shall be held on the second Tuesday in March 2007, and regular elections shall be held on the second Tuesday in March of each election year, provided as follows:
 - (a) For the two council member seats that received the highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2010, and every 3 years thereafter.
 - (b) For the two council member seats that received the next highest number of votes in the March 2007 election, the next election to fill the council member seats shall be held on the second Tuesday in March after the first Monday in March in 2009, and every 3 years thereafter.
 - (c) For the remaining council member seat, the next election to fill the council member seat shall be held on the second Tuesday in March after the first Monday in March in 2008, and every 3 years thereafter.(d)Such town elections shall be general town elections.

B. Borrowing Power

The Town Manager proposes amending the Town Charter to change the repayment term for certain types of borrowing from a repayment term of 36 months to a repayment term that is consistent with the life cycle of the project or asset at issue. A similar proposal was presented to the Town Council in 2022. It was ultimately rejected. The draft ordinance incorporating that proposal is attached.

The current language in the Charter concerning the Town's borrowing power reads as follows:

- Section 6. – Budget and appropriations:
 - (6) Revenue bonds; lease-purchase contracts. Unless authorized by the electors of the town at a duly held referendum election, the council shall not authorize or allow to be authorized the issuance of revenue bonds or enter into lease-purchase contracts or any other unfunded multiyear contracts for the purchase of real property or the construction of any capital improvement, the repayment of which extends in excess of 36 months, unless mandated by state or federal governing agencies.

C. Town Attorney's Contract Execution Authority

The Town Manager proposes removing the requirement that the Town Attorney approve all contracts. The current language in the Charter concerning the approval of contracts reads as follows:

- Section 4. – Administrative.
 - (4)(d)3. Approve all contracts, bonds, and other instruments in which the town is concerned and shall endorse on each his or her approval of the form and correctness thereof. No contract with the town shall take effect until his or her approval is so endorsed thereon.

As Town Attorney, I respectfully note that the current requirement ensures legal oversight and protects the Town's interests. Removing it could increase legal risks. The Town Council should weigh the benefits and risks of the proposed amendment.

D. Councilmember Salary Increase

The Charter permits the Town Council to increase councilmember salaries by a supermajority vote, without requiring a charter amendment. The current language in the Charter concerning salary increases for Councilmembers reads as follows:

- Section 4. – Administrative.

- (4)(e)2. The town council, by not fewer than four affirmative votes, may elect to provide for compensation and any increase in such compensation by ordinance. However, no such ordinance establishing or increasing compensation shall take effect until the date of commencement of the terms of council members elected at the next regular election which follows the adoption of such ordinance.

At the Town Council's direction, the Town Attorney or Town Staff can prepare an ordinance to effectuate a salary increase, which would follow the standard ordinance adoption process for the Councilmembers.

I am available to discuss these matters at your convenience or during the next Town Council meeting.

Sincerely,

A handwritten signature in blue ink that reads "Glen Torcivia". The signature is written in a cursive style with a large initial "G".

Glen Torcivia
Enclosures

cc: Francine Ramaglia, Town Manager
Valerie Oakes, Town Clerk