

Explanation of the language for the Town's Charter amendment on the ballot.

The question reads:

SHOULD THE CHARTER OF THE TOWN OF INDIAN RIVER SHORES BE AMENDED AS PROVIDED IN ORDINANCE 523, TO **CHANGE THE TERM OF OFFICE OF TOWN COUNCIL MEMBERS AND ELECTION DATES** FROM MARCH OF ODD NUMBERED YEARS TO NOVEMBER OF EVEN NUMBERED YEARS TO COINCIDE WITH GENERAL ELECTION DATES BEGINNING IN NOVEMBER 2016; TO **CLARIFY THE TOWN MANAGER PROVISION**; TO AMEND FINANCIAL PROCEDURES TO **REMOVE COMPETITIVE BIDDING WHICH IS OTHERWISE COVERED IN PROCEDURAL ORDINANCES**; AND TO **CLARIFY AND UPDATE LANGUAGE** IN VARIOUS SECTIONS?

How did we get that?

First, a review of the very basics of municipal government in Florida. A municipal **charter** is the document that **governs and controls** a municipality. **Laws** passed by cities are called **ordinances** and they are not part of the charter. They are procedural methods to enact the charter.

When the Town first incorporated, some procedures were outlined contained within the Charter. Over the years, the corrections to the Charter have been very few because it must be accomplished by **referendum** (question on the election ballot). Since the Town incorporated in 1953, this has only been done in **six elections** (1980, '86, '91, '92, '94, '2004, and '2007).

A **Charter** almost always contains incorporation and boundary details; sets up structure and form of government; lays out the *administrative organization* and function, the judicial powers and procedure; declares *election procedures* and regulations; outlines *financial powers*; and includes *general provisions*.

In November and December 2015, readings for [Ordinance 523](#) were accomplished resulting in its passage, which had provisions and details for this **charter amendment**. The ordinance was published in the newspaper December 5th and is [on our website](#) in its entirety (under Government tab, Ordinances, see the table on the page).

What are we asking the Voters to decide?

Here are the details of what we are asking the voters to decide.

- 1) **Election Date Change.** The elections are currently in odd-numbered years (Section 2-2), and three seats on the council are set to expire in March 2017, and two in March 2019. **IF** this passes, **the change would be** that Brian Barefoot, Jerry Weick and Tom Slater's **terms would end in November 2016** for these three and **November 2018** for Dick Haverland and Mike Ochsner rather than March 2019. (*Sec. 2-2, Term of Office*)
- 2) **Gender and Grammar Correction.** Removing "he" and replacing commas with semicolons where needed. (*Section 2-8, Clerk of council*)
- 3) **Prohibits council from serving on Boards they have created.** (*Sec. 2-12, Boards, commissions, authorities, and agencies.*)
- 4) **Expounding on the Town Manager provision.** (additions are underlined, deletions stricken through)
"Sec. 3-3. Town manager.

~~There is hereby created The town council is authorized to create the office of town manager by ordinance at such time as the council determines it is necessary to create such an office to assist in the operation of the town government. Duties as set forth in this Charter being performed by the mayor may be delegated to the town manager upon creation and activation of such office.~~

The town manager shall be appointed by the town council and shall hold office at the pleasure of the town council. The compensation of the town manager shall be determined by the town council.

The town manager shall be the chief administrative officer of the town and responsible only to the town council. All powers and duties of the town manager are prescribed by ordinance, and all town departments shall be under the supervision of the town manager. The town manager shall perform such other duties as may be required by direction of the town council." (*Sec. 3-3, Town manager*)

- 5) **Correcting advertising/publication requirements to match State Statutes.** Our Charter required ordinance titles to be published only 7 days before passage, the State required 10 days prior. We have been following Statute since it changed. (*Sec. 4-1, Enactment by town council*)
- 6) **Competitive bidding.** This has caused great confusion as to why we would **remove it from the Charter**. We *do* follow competitive bidding, it is **covered under** the **Code of Ordinances**, Sections **31.02 and 31.03** detail how to procure purchases over or under \$5,000 as enacted by Ordinance 256 in 1976 and amended by Ordinance 342 in 1986 and Ordinance 487 in 2007. The sections 2.14, 2.15 and 2.16 referenced in Sec. 31.01, 31.02 and 31.03 related to such purchases have already been removed from the Charter, and this removes the duplicative language found in Florida Statutes 287. (*Sec. 5.7, Competitive bidding*)
- 7) **Change the elections from March to November.** In 2007 the Charter set elections for the second Tuesday in March of odd years, and this changes it to **the first Tuesday following the first Monday in November of even years.** (*Sec. 6-3, Conduct generally*)