

## Special Message concerning upcoming Delray election

Special Bulletin March 2, 2013

There is an old saying that if you don't understand the measures on the ballot, vote "no". We are sympathetic because they are so difficult to understand. For those who want to follow that approach, feel free to do so. For others, we have done some research and present our findings below. We have searched for a way to make this analysis more enjoyable to read, but like a visit to the dentist, it doesn't seem possible.

### Analysis of Ballot Issues

In addition to selecting one new member of the City Commission and the Mayor on March 12th, you will be asked to vote on a number of changes to our City Charter. Also there will be a proposed financial incentive to promote economic development. On your ballot you will see the following items:

**A. City Charter Change - Clarify and Enhance the Readability of the Charter [Ordinance No. 35-12 (Section 8)]** - Proposes to amend the City's Charter to clarify, correct grammatical errors and enhance the Charter's readability.

**Our Comment:** *This seems to us to be reasonable, although we are curious why there are so many grammatical mistakes in our City Charter. **We recommend a "Yes" vote.***

**B. City Charter Change - Change the length of the Mayor and Commission Terms (Ordinance No. 36-12)** - Would provide for a change in the length of a Commissioner's term from two (2) years to three (3) years and not extending the maximum number of consecutive years [six (6)] that a Commissioner or Mayor is allowed to serve.

**Our Comment:** *2 three-year terms rather than 3 two-year terms seems reasonable to us. It is in conflict with the proposal below, but because the total remains 6 years in office, **we recommend a "Yes" vote on this measure.***

**C. City Charter Change - Extension of Consecutive Year Term Limits (Commissioner elected to serve as Mayor) (Ordinance No. 38-12)** - Currently, any City Commissioner that assumes the Office of Mayor cannot exceed the maximum of three, two (2) year terms. The proposed Charter amendment provides that the time a person spent as a Commissioner will

not count towards the term limit for Mayor, if the person assumes the Office of Mayor directly from the Office of Commissioner.

**Our Comment:** *We strongly disagree with this proposal, which would allow someone to serve a total of 12 consecutive years in office. It is very expensive to run for Mayor. The cost of recent competitive races has been close to \$100,000. An incumbent has a significant advantage in fund-raising. Law firms, contractors such as Waste Management and developers with business before the Commission have been prominent providers of campaign cash in recent years. To run against an incumbent requires someone with personal wealth or an independent financial and political base. To allow a Mayor to serve 6 years after having served as a Commissioner for 6 years would be an obstacle to encouraging other residents to run for office. It would turn the office into a fiefdom. It would ensure that special interests and the status quo are rewarded, and would have a chilling effect on new ideas and new faces at City Hall.*

*The current limitation of a total of 6 years in office is good for local democracy, and **we strongly recommend you vote “No” on this measure.***

**D. City Charter Change - City Manager Compensation (Ordinance No. 39-12) - Removes Charter language that prohibits a reduction in the City Manager's salary.**

**Our Comment:** *We believe it makes sense to be able to reduce the City Manager's salary as well as raise it. **We recommend you vote “Yes” on this measure.***

**E. City Charter Change - Voting Procedure Change (Ordinance No. 01-13 - This proposed Charter Amendment** would permit the City Commission to adopt voting procedures/rules for all City Commission meetings. Additionally, this proposed amendment would remove the current requirement that all Commission votes must be made in the affirmative ("yes"). The Commission would maintain the need to obtain three (3) concurring votes on any action for it to be approved/not approved and would remain as stated within the Charter.

**Our Comment:** *We believe this is a particularly dangerous proposal, and we feel it is deceptively vague as written. The Commission is proposing that voters give it the power to change how votes are taken and recorded, as well as the power to change those rules every year. Ideas discussed include raising hands to vote rather than individual voice votes and recording the vote only by number, such as “3 to 2” but not recording who voted for or against. Other ideas discussed include the ability to designate a silent response as either a “yes” or a “no”. Thus an elected official could attend a meeting, stay silent on a vote, yet have that silence count as a “yes” or “no”.*

*But we don't want to get lost in the detail of possible voting procedures, the main questions we ask are: Why would 43,000 registered voters in Delray Beach want to give up the right to decide how the votes of our elected official are taken and recorded? And why would 43,000 voters give up that right to only 3 people (the majority on the Commission)? And should those 3 people have the ability to change the rules every year with no agreement of the voters?*

*This proposal would give them these powers, and once given there will be little ability for the voters to take it back. It may be convenient for the 5 elected officials, but it is certainly not in the interest of 43,000 registered voters. **We strongly recommend you vote “No” on this measure.***

**F. Economic Development Proposal - Property Tax Exemptions to Qualified Businesses (Ordinance No. 44-12):**

Enables the City Commission to grant property tax exemptions to new businesses as well as growing/existing businesses that create new, full-time employment opportunities in Delray Beach. This incentive is available to local governments by Section 3, Article VII of the State Constitution provided it is approved by referendum.

**Our Comment:** *It makes sense to encourage economic development of our town. To be competitive with other towns Delray must offer certain tax incentives. In the short run the City will lose revenue, but if the incentives are given to the right companies the City will gain in the long run. The question is: will the right companies get the incentives and not just politically connected firms that do not need them. We are not willing to gamble that the incentives will be put to good use. Because this measure was put on the ballot by the politically-motivated Commission and not by the City’s Economic Development officer, **we recommend you vote “No” on this item.***

**Summary:**

- (a) Clarify Readability: Yes
- (b) Change Length of Terms: Yes
- (c) Extension of Time in Office for Mayor: No
- (d) City Manager’s Compensation: Yes
- (e) Permit Commission to adopt voting procedures: No
- (f) Property Tax Exemptions for Business: No

**We urge you to vote. It’s sad that so few of our fellow residents do.**

Thanks for your interest in Friends of Delray.

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