THE CITY OF NEW SMYRNA BEACH - CITY ATTORNEY'S OFFICE

ORDINANCE NO. 49-25: CONDUCT A FIRST READING OF AN ORDINANCE, WHICH, IF ADOPTED AT THE SECOND READING AND PUBLIC HEARING, WOULD SET A REFERENDUM ON THE PROPOSED REVISION TO THE CITY CHARTER TO ADOPT THE CITY COMMISSION SALARY IN THE CHARTER AND TO INCREASE THE PERCENTAGE, AND ADOPT BALLOT LANGUAGE FOR THE ELECTORATE TO CONSIDER ON NOVEMBER 4, 2025.

August 12, 2025

Background:

In 2020, the citizens of New Smyrna Beach approved a voter referendum adopting a newly revised Charter. The Charter was a complete overhaul of the previous City Charter and many changes were made. As part of that overhaul, the Charter was to be regularly reviewed every 10 years. However, because the Charter was so significantly changed, the document built in a review period approximately half-way through the 10-year period in 2026.

After the election cycle in 2024, concerns were raised with the 2020 Charter changes - particularly, the inability for a candidate to secure the election despite an overwhelming win in the primary - and the City Commission undertook the process to review the Charter in 2025. Per state law Section 166.031(1), the governing body of a municipality may, by ordinance, submit to the electors a proposed amendment to the charter.

In January 2025, the City Commission appointed an 11-member Charter Review Committee, who were led by Charter Facilitator Susan Boyer, who undertook the review process beginning in April 2025. The Committee ended its deliberations in early July 2025 and recommended that seven ballot questions be considered by the City Commission for submittal to the electorate at a special election prior to the 2026 general election.

On July 28, 2025, the City Commission held a workshop to discuss the final report and recommendations from the Charter Review Committee. Those items were scheduled for formal consideration by the City Commission on August 12 and August 26, 2025.

Findings:

The fourth recommended revision by the Charter Review Committee is to insert the city commission salary into the Charter and to increase the salary.

Currently, the city commission salary is based on percentages that are based on state and

county regulations. The State of Florida sets the salary of county commissions by statute. The County of Volusia Charter states that its Chair shall receive 60% of the amount set by the state and that the remaining county council members receive 50% of the amount set by the state.

The city currently pays the mayor 50% of a County Council member's salary and the zone commissioners receive 75% of the mayor's salary. This is set by ordinance and can be changed by a majority vote of the city commission at any time.

If the proposed revision is accepted by the electors, the salary would no longer be able to be changed by the commission at any time. It would be inserted into the Charter and would require a voter referendum to make changes from what is set by the Charter.

The proposed increase to the salary would increase the mayor's salary from 50% of what a County Council member makes to 75% of what the Volusia County Council chair earns. While the zone commissioners would remain at 75% of what the mayor earns, the actual amount would increase based on the mayor's change from council member to council chair and the percentage increase.

Based on charts from the Florida Office of Economic and Demographic Research, the 24-25 amount set by the state for the County of Volusia Elected Officials was $112,324. Based on this number, the County Council Chair earns $67,394.40, while a Council Member receives $56,162. The Mayor currently earns $28,081, while the Commissioners earn $21,060.75. If the revised Charter language were in place today, the Mayor would earn $50,545.80 and the Commissioners would earn $37,909.35.

The Charter Review Committee's analysis is attached in the summary table.

Fiscal Analysis:
Adoption of the ordinance only sets the measure for consideration by the electorate. If approved by the electorate, there would be an increase to the budget for the increase in city commission salary.

Strategic Plan Item:
No

Staff Report Created By: Carrie Avallone - City Attorney

Attachments:

Table_of_2025_City_of_NSB_Charter_Review_Committee_Proposed_Changes_and_Reas
2-25_Final_Report_.pdf
Business Impact Estimate - Ord 49-25 Charter Review Commission Salary.pdf
Ord 49-25 Revised Charter Ballot Language - Commission Salary.pdf