

**CITY OF MARCO ISLAND  
ORDINANCE NO. 02-20**

**AN ORDINANCE TO APPROVE AMENDMENTS TO THE EXISTING MARCO ISLAND CITY CHARTER TO BE ADOPTED ONLY THROUGH REFERENDUM ELECTION BY THE ELECTORATE ON SEPTEMBER 10, 2002; PROVIDING THAT THE PROPOSED CHARTER SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY OF MARCO ISLAND AT A PRIMARY ELECTION ON SEPTEMBER 10, 2002; PROVIDING LANGUAGE FOR THE BALLOT; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 7.01 of the Charter of the City of Marco Island provides that the Charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rules Powers Act, Chapter 166, Florida Statutes, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law; and

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except the part describing the boundaries of such municipality, and that the governing body shall place the proposed amendment contained in the ordinance to a vote of the electors at the next general election held within the municipality; and

WHEREAS, Section 101.161, Florida Statutes, provides the form and content for referenda ballots;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida:

**Section 1. Approval of Amendments to the City Charter.**

The proposed amended City Charter, attached hereto and incorporated herein as Exhibit "A," is hereby approved.

## **Section 2. Vote of Electors at the Next Primary Election.**

The proposed Amendment to the City Charter shall be submitted to a vote of the electors of Marco Island at the next Primary Election scheduled for September 10, 2002.

## **Section 3. Language on the Ballot.**

The ballot to be used in said referendum election shall be in the following form:

### **REFERENDUM ELECTION ON PROPOSED AMENDMENTS TO THE MARCO ISLAND CITY CHARTER**

#### **1. ELECTION OF CITY COUNCIL**

Candidates seeking election to Council qualify for a specific seat and run "at-large." The candidates receiving the highest number of votes for each seat are elected. The amendment provides that all candidates will run for all vacant council seats. Those candidates receiving the highest number of votes will be elected. (e.g. Assume 10 candidates run for 3 vacant seats. Candidates receiving the 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> highest votes will be elected to City Council).

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

#### **2. UNNECESSARY, OBSOLETE, AND STYLISTIC AMENDMENTS**

The Charter Review Committee and City Council recommend the Charter be amended to remove unnecessary or redundant language otherwise provided by State Statutes, to make stylistic and technical changes, and to delete obsolete language following the initial incorporation of the city.

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

#### **3. VACANCIES ON COUNCIL, FORFEITURE OF OFFICE**

City Council can fill a vacancy on Council by appointment when the remaining term is less than 28 months, but cannot fill a vacancy when there are more than 28 months remaining. The amendment requires appointment by Council to fill all vacancies on Council within 60 days, and it provides that Council shall determine when forfeiture of office occurs,

including absence of six regular meetings per year or four consecutive meetings.

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

**4.    BUDGET LIMITATIONS [MODIFIED SPENDING CAP]**

The Charter limits annual expenditures to an increase of 3% plus C.O.L.A. The amendment retains the spending cap of 3% plus C.O.L.A., but the spending cap will not apply to expenditures funded by grants, gifts, and impact fees, and expenditures for utility and other enterprise funds that are self-supporting.

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

**5.    CHANGE OF TITLE OF PRESIDING OFFICER FROM CHAIRMAN TO MAYOR**

The Charter provides that City Council shall annually select a chairman and vice-chairman from among the council members. The chairman presides at the meetings and serves as the ceremonial head of city government. The common title for the presiding officer of a city government is "mayor." The amendment will change the title of the presiding officer from chairman to mayor [and vice-mayor].

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

**6.    APPOINTMENT OF CITY CLERK**

The Charter requires the city manager to serve as city clerk. The amendment will grant the city manager the authority to appoint a city clerk who shall give notice of public meetings, keep a journal of City Council proceedings, attest documents, and perform other duties as assigned. No additional employees will be required due to this amendment.

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

**7. MAJORITY VOTE PREVAILS**

The Charter requires a vote of at least the majority of the entire Council (4 votes) for decisions rendered by City Council. The amendment requires that decisions be rendered by a majority of Council members present and voting at a Council meeting.

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

**8. SALARY OF COUNCIL**

The Charter provides an annual salary of \$6,000 for each councilor and \$9,000 for the chairman. The National Civic League's "Model City Charter" recommends that changes to salary be authorized by ordinance. The amendment provides that council may establish, increase, or decrease compensation by ordinance. However, no such change will be applicable to any council member(s) throughout the remainder of their term of office.

Shall the above-described amendment be adopted?

Yes    ☐                      No    ☐

**Section 4. Incorporation, Conflict and Severability.**

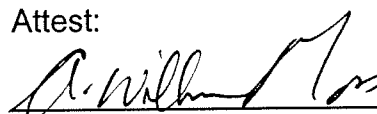
- (1) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.
- (2) All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- (3) If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

**Section 5. Effective Date.**


This Ordinance shall take effect immediately upon adoption by the Marco Island City Council; provided, however, that the proposed charter amendments shall be effective only upon, and immediately upon approval by the voters at the referendum election to be held on September 10, 2002, in accordance with the provisions of Section 166.031, Florida Statutes.

Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 17th day of June, 2002.

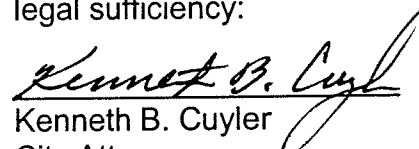
Attest:

  
A. William Moss  
City Manager/City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY:   
E. Glenn Tucker, Chairman

Approved as to form and  
legal sufficiency:

  
Kenneth B. Cuyler  
City Attorney