

**ORDINANCE 20-01**

**AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, AMENDING THE CITY CODE OF ORDINANCES AT CHAPTER 40 "SPECIAL DISTRICTS," ARTICLE II "HIDEAWAY BEACH DISTRICT," SECTION 40-34 TO PROVIDE FOR STAGGERED TERMS; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City of Marco Island, Florida ("City") established the Hideaway Beach District as a dependent special district in accordance with Chapter 189, Florida Statutes; and

**WHEREAS**, City Council desires to amend Section 40-34, governing the governing board of the Hideaway Beach District to provide for staggered terms for the governing board members; and

**WHEREAS**, the terms of all of the current members of the governing board expire on March 31, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:**

**SECTION 1. Recitals.** The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true, correct, and reflective of the legislative intent underlying this Ordinance.

**SECTION 2. City Code Amended.** That Article II "Hideaway Beach District" of Chapter 40 "Special Districts" of the Code of Ordinances of Marco Island, Florida, is hereby amended to read as follows:<sup>1</sup>

**Chapter 40 – SPECIAL DISTRICTS**

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**ARTICLE II. – HIDEAWAY BEACH DISTRICT**

**Sec. 40-34. – Governing board.**

- (a) The governing body of the district, which shall be designated as the board of ~~supervisors~~ (the "district board"), shall be appointed by the eCity eCouncil of

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<sup>1</sup> Additions to existing city code text are shown by underline; deletions from existing city code text are shown by ~~strikethrough~~.

~~the eCity (“City Council”). The District Board shall consist of five District Board members (individually, “Member”). Each Member shall hold office for a term of three years. Members shall be residents or property owners within the District. Appointments to the district board Members shall serve at the pleasure of the eCity Council, but unless otherwise stated in the appointment, the members of the district board shall serve for a term of three years from the date of appointment. Any vacancy in the d-District b-Board shall be filled by an appointment made by the e-City e-Council of the city for the balance of the unexpired term within 60 days of the occurrence of such vacancy. The d-District b-Board shall exercise the powers granted to the d-District. The district board shall consist of five members. Each member shall hold office until a successor is chosen. The members of the district board must be residents or property owners within the district. No member may serve as a representative on the county coastal advisory committee.~~

- i. Commencing with the 2020 appointments, City Council shall appoint Members as follows: Two (2) members for an initial two (2) year term and three (3) members for an initial four (4) year term. Upon expiration of the initial 2020 appointments, the Members shall serve three (3) year terms.

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**SECTION 3. Codification.** It is the intention of the City Council, and it is hereby ordained, that the amendments to the City of Marco Island Code of Ordinances made by this Ordinance shall constitute a new Section 40-34 of the City of Marco Island Code of Ordinances, and that the sections of this Ordinance may be renumbered and re-lettered as necessary, and that the word “Ordinance” may be changed to “Section”, “Article” or other appropriate word.


**SECTION 4. Conflicts.** All ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict with the provisions of this Ordinance are hereby superseded and resolved to the extent of any conflict in favor of the provisions of this Ordinance.

**SECTION 5. Severability.** If any term, section, clause, sentence or phrase of this Ordinance is for any reason held to be invalid, illegal, or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the other or remaining terms, sections, clauses, sentences or phrases portions of this Ordinance, and this Ordinance shall be read and applied as if the invalid, illegal, or unenforceable term, provision, clause, sentence or section did not exist.

**SECTION 6. Effective Date.** This Ordinance shall become effective upon its adoption.


ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 6<sup>th</sup> day of April 2020.

**ATTEST:**

  
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Laura M. Litzan, City Clerk

**CITY OF MARCO ISLAND, FLORIDA**  
By:   
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Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:

  
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Alan L. Gabriel, City Attorney

