

Sponsored by: Janke
Public Hearing Dates: December 9, 2003
December 23, 2003
Enactment date: December 23, 2003

**CITY OF MARATHON, FLORIDA
ORDINANCE 2003-28**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING SECTION 5(3)(a) OF THE CITY CHARTER BY CHANGING THE DATE OF THE ANNUAL ELECTION OF THE MAYOR AND VICE-MAYOR IN THE EVENT OF A RUNOFF ELECTION; AMENDING SECTION 8(4) OF THE CITY CHARTER BY CHANGING THE DATE OF THE RUN-OFF ELECTIONS; ADOPTING SUCH CHARTER AMENDMENTS PURSUANT TO SECTIONS 100.3605(2) AND 166.021(4), FLORIDA STATUTES; PROVIDING FOR EXISTING TERMS OF OFFICE

WHEREAS, Sections 100.3605(2) and 166.021(4), Florida Statutes authorize the City Council to amend its Charter without the need for a referendum election, in order to change the date of the City's municipal elections and to change the terms of office necessitated by such changes in the election dates; and

WHEREAS, Section 8(4) of the City Charter provides that the schedule for the regular City election shall be on the second Tuesday in February of each election year, with a runoff election held two weeks later on the fourth Tuesday in February; and

WHEREAS, the Monroe County Supervisor of Elections has advised the City that scheduling the runoff elections two weeks following the regular election does not allow for sufficient time to print, distribute, return and count absentee ballots for the runoff election; and

WHEREAS, the Supervisor of Elections has further requested that the City provide four weeks between the regular election and the runoff election in order to adequately prepare the absentee ballots; and

WHEREAS, Section 5(3)(a) of the City Charter provides for the annual election of the Mayor and Vice-Mayor at the City's first regular meeting after the fourth Tuesday of each February; and

WHEREAS, the Council desires to change the date of the election of the Mayor and Vice-Mayor to occur subsequent to any required runoff election should a runoff election be necessary.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. The Charter Amendments made in this Ordinance are authorized by Sections 100.3605(2) and 166.021(4), Florida Statutes.

Section 2. The following Sections of the City Charter are amended to read as follows:

Section 5. City Council.—

...

(3) THE MAYOR; POWERS AND DUTIES.--

(a) The city council, at its first regular meeting after the fourth Tuesday of each February, shall elect from its membership a mayor and vice-mayor who shall serve at the pleasure of the city council and who shall have the same legislative powers and duties as any other councilmember, except as provided in paragraph (b). In the event a runoff election is required pursuant to Section 8(4), the election of the mayor and vice-mayor shall occur at the first regular meeting after the second Tuesday in March.

Section 8. Elections. --

...

(4) SCHEDULE FOR GENERAL ELECTIONS AND RUNOFFS.--

The regular city election shall be the second Tuesday in February of each election year. Such city elections shall be general city elections. In the event no candidate for an office receives a majority of the votes cast for said office, then a runoff election shall be held on the ~~fourth~~ second Tuesday in ~~February~~ March.

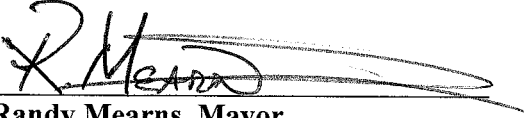
Section 3. For the general City election occurring on February 10, 2004, in the event a runoff election is required for any council seat, the term of the council member currently in office holding the particular council seat shall be extended up to the date of the induction of the newly elected or reelected council member.

Section 4. Following adoption of this Ordinance the City Clerk shall have the Charter Amendments incorporated into the City Charter and shall file the revised Charter with the Department of State. The City Clerk is authorized to revise the Charter, to the extent necessary to ensure that the adopted Charter Amendments conform to one another.

Section 5. This Ordinance shall become effective immediately upon adoption on second reading.


ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, this 23rd day of December, 2003.

THE CITY OF MARATHON, FLORIDA

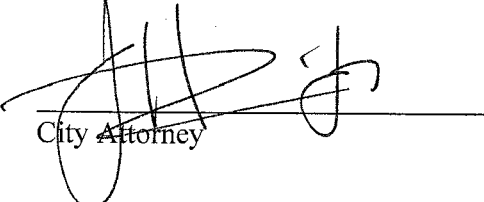

Randy Mearns, Mayor

AYES: Worthington, Repetto, Pinkus, Bartus, Mearns
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:


Cindy L. Ecklund
City Clerk

APPROVED AS TO FORM AND LEGALITY FOR THE USE
AND RELIANCE OF THE CITY OF MARATHON, FLORIDA ONLY:


City Attorney