

Sponsored by: Puto
City Council Public Hearing Dates: December 13, 2005
December 27, 2005
Enactment Date: December 27, 2005

**CITY OF MARATHON, FLORIDA
ORDINANCE 2005-23**

**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; AMENDING SECTION 8(4) OF THE CITY
CHARTER BY CHANGING THE DATE OF THE ELECTIONS AND 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;
PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN
THE CHARTER/CONFORMITY OF AMENDMENTS**

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 first Tuesday following the first Monday in March of each election year, with a runoff election held on the first Tuesday following the first Monday in April; and

WHEREAS, most of the other municipalities in Monroe County have their regular elections held on the second Tuesday in March; and

WHEREAS, the Monroe County Supervisor of Elections has advised that the City would realize savings from holding its elections at the same time as the other municipalities in the County; 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 first Tuesday after the first Monday of each March; and

WHEREAS, the Council desires to change the date of the election of the Mayor and Vice-Mayor to occur subsequent to the new election dates in March.

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

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

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

Section 3. 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 ~~first~~ second Tuesday ~~after the first Monday~~ of each March, 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 council member, 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 ~~first~~ second Tuesday ~~after the first Monday~~ in April.

Section 8. Elections. ---

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

The regular city election shall be the ~~first~~ second Tuesday following the ~~first Monday~~ in March 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 ~~first~~ second Tuesday following the ~~first Monday~~ in April.

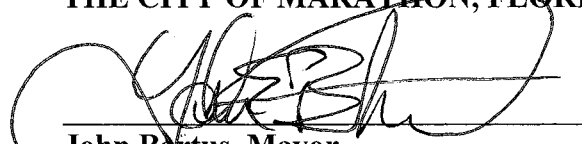
Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5. 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 6. This Ordinance shall become effective immediately upon adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 27th day of December 2005.


THE CITY OF MARATHON, FLORIDA



John Bartus, Mayor

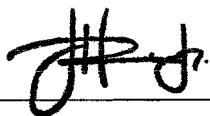
AYES: Bull, Pinkus, Mearns, Bartus
NOES: None
ABSENT: Miller
ABSTAIN: None

ATTEST:



Cindy L. Becklund
City Clerk

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



City Attorney