CITY OF MARATHON, FLORIDA
ORDINANCE 2006-20

A ORDINANCE OF THE CITY OF MARATHON, FLORIDA; PROVIDING FOR A BINDING REFERENDUM BALLOT MEASURE TO BE PRESENTED TO THE ELECTORS OF THE CITY ELIMINATING SEPARATE CITY COUNCIL SEATS AND CHANGING THE PROCESS FOR ELECTING MEMBERS OF THE CITY COUNCIL, TO BE SUBMITTED TO THE ELECTORS IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, NOVEMBER 7, 2006; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council is authorized to call for a binding referendum vote by the electors of the City; and

WHEREAS, the City Council desires to submit to the electors of the City a referendum on a Charter amendment eliminating separate City Council seats and creating a new at-large process for electing members of the City Council, as described herein.

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

Section 1. The above recitals are hereby confirmed and adopted.

Section 2. That a binding referendum election is hereby called, to be held in conjunction with the general election, for Tuesday, the 7th Day of November, 2006, to present to the electors of the City of Marathon the proposed Charter amendment provided in Section 6 of this Ordinance.

Section 3. That the form of referendum ballot for the charter amendment provided for herein shall be substantially as follows:

Question:

Marathon Charter Election Amendments

The Charter of the City of Marathon currently provides that there shall be five separate City Council seats, and that candidates must qualify for and be elected to a specific City Council seat.

Shall the Charter of the City of Marathon be amended as set forth in ORDINANCE 2006-020, so as to eliminate separate city council seats and create a new at-large process to elect the City Council?

Yes [ ]

No [ ]

Section 4. That balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. at the regular polling places for general elections (as well as any early voting that is conducted by the Monroe County Supervisor of Elections). All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City's officials are authorized to obtain any necessary election administration services from the Monroe County Supervisor of Elections.

Section 5. That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, October 1, 2006), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, October 15, 2006), and shall be in substantially the following form:

"NOTICE OF REFERENDUM ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. 2006-20, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (THE "CITY") A BINDING REFERENDUM ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY, IN CONJUNCTION WITH THE GENERAL ELECTION, ON TUESDAY, NOVEMBER 7, 2006, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING REFERENDUM

BALLOT MEASURE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

<u>**Question:**</u>

Marathon Charter Election Amendments

The Charter of the City of Marathon currently provides that there shall be five separate City Council seats, and that candidates must qualify for and be elected to a specific City Council seat.

Shall the Charter of the City of Marathon be amended as set forth in ORDINANCE 2006-020, so as to eliminate separate city council seats and create a new at-large process to elect the City Council?

Yes [ ]

No [ ]

    <u>**Section 6**</u>.   The City Council proposes and recommends that the City Charter be amended as follows:

    a. Section 5(1)(b) shall be deleted in its entirety;

        ~~(b)   There shall be five separate council seats to be designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5. Candidates must qualify for council elections by seat, and council members elected to those seats shall hold Seats 1 through 5, respectively.~~

    b. Section 8(4) shall be amended as follows:

        "(4)   Schedule for general elections and runoffs. The regular city elections shall be the second Tuesday in March of each election year. Such city elections shall be general city elections. <u>Electors shall vote for the number of qualified candidates for the office of city council equal to the number of city council seats to be elected. A runoff election, if necessary,</u> ~~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 second Tuesday in April."; and

    c. Section 8(6) shall be amended as follows:

        "(6)   Determination of election to office. <u>At any general or special municipal election held under the provisions of this Charter</u>

for election to the office of city council, the candidates for the office of city council in a number equal to the number of city council seats to be elected, who shall have received the greatest number of votes cast (the "Winning Candidates"), shall be declared elected; provided, however, that if one of the city council seats to be elected represents the unexpired term of a vacancy, then the Winning Candidate receiving the lowest vote total shall be deemed elected to serve the unexpired term. In the event a tie between two or more candidates makes it impossible to determine which of those candidates has been selected for the final seat, the names of such candidates shall be placed upon the runoff election ballot. If the vote at the runoff election results in a tie, the outcome shall be determined by lot under the direction of the City Clerk. If the number of candidates that qualify for an office equals the number of city council seats to be elected, said candidates shall be deemed to be elected. ~~If only one candidate qualifies for an office, said candidate shall be deemed to be elected. If two or more candidates qualify for an office, the names of those candidates shall be placed on the ballot at the general election. If no candidate for an office receives a majority of the votes cast for said office, then the two candidates for the office receiving the highest vote in the general election shall run again in the runoff election, provided that:~~

> ~~(a)   If more than two candidates for an office receive an equal and highest number of votes, the name of such candidates shall be placed on the runoff election ballot.~~

> ~~(b)   In any contest in which there is a tie for second place, the name of the candidate placing first and the name of each candidate tying for second shall be placed upon the runoff election ballot. The candidate receiving the highest number of votes cast for the office in the runoff election shall be elected to such office. If the vote at the runoff election results in a tie, the outcome shall be determined by lot."~~
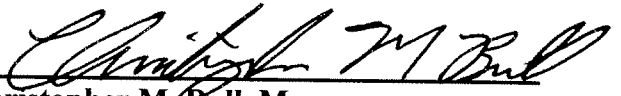
Section 7.   Copies of this Ordinance proposing the referendum ballot measures are on file in the office of the City located at City of Marathon, 10045-55 Overseas Highway, Marathon, Florida 33050, and are available for public inspection during regular business hours.

Section 8.   That the referendum ballot question shall be a binding measure if approved by a majority of the qualified electors voting on such question.

Section 9.   This Ordinance shall become effective immediately upon its adoption.

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ENACTED by the City Council of the City of Marathon, Florida, this 5th day of September, 2006.
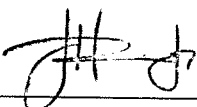
THE CITY OF MARATHON, FLORIDA

Christopher M. Bull, Mayor

AYES: Worthington, Tempest, Bull
NOES: Pinkus, Mearns
ABSENT: None
ABSTAIN: None

ATTEST:

City Clerk
(City Seal)

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

City Attorney