

**CITY OF MARATHON, FLORIDA
ORDINANCE 2006-33**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, PROVIDING FOR A NON-BINDING REFERENDUM BALLOT MEASURE TO BE PRESENTED TO THE ELECTORS OF THE CITY CHANGING THE MONTH IN WHICH THE MEMBERS OF THE CITY COUNCIL ARE ELECTED EACH ELECTION YEAR, TO BE SUBMITTED TO THE ELECTORS IN CONJUNCTION WITH THE GENERAL ELECTION ON TUESDAY, MARCH 13, 2007; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS; PROVIDING NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the Charter of the City of Marathon provides for the qualification of elective official candidates in January of the election year and the general City election to be held in March; and

WHEREAS, most federal, state and county elections are actually held on the first Tuesday after the first Monday in November of each election year; 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 federal, state and county elections; and

WHEREAS, the November elections generally have higher turnout, ensuring that more Marathon voters participate in the selection of their City officials; and

WHEREAS, the City Council desires to submit to the electors of the City a non-binding referendum concerning a Charter amendment changing the date for the election of the members of the City Council for each election year, as described herein.

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. A non-binding referendum election is hereby called, to be held in conjunction with the general City election, for Tuesday, the 13th day of March, 2007, to present to the electors of the City of Marathon the non-binding question provided in Section 3 of this Ordinance.

Section 3. The form of referendum ballot for the City Council election date change provided for herein shall be substantially as follows:

Question:

Date Change for Election of City Council Members

The Charter of the City of Marathon currently provides that the regular City election in which the City Council members are elected shall be in March of each election year and that runoff elections shall be held in April. The City Council has discussed moving the election date to November. Moving the date of the election will result in a one-time eight-month extension of the terms of office of the current Council members.

Should the Charter of the City of Marathon be amended to provide that the regular city elections shall be held on the first Tuesday after the first Monday in November of each election year and a runoff election, if necessary, shall be held on the first Tuesday after the first Monday in December of such election year?

Yes []

No []

Section 4. Balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. at the regular polling places for City 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. 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 with Sunday, February 4, 2007) and the second publication to be in the third week prior to the election (to wit: during the week commencing Sunday, February 18, 2007), and shall be in substantially the following form:

“NOTICE OF REFERENDUM ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. _____, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (THE “CITY”) A NON-BINDING REFERENDUM ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY, IN CONJUNCTION WITH THE GENERAL CITY ELECTION, ON TUESDAY, MARCH 13, 2007, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING NON-BINDING REFERENDUM BALLOT MEASURE SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.

Question:

Date Change for Election of City Council Members

The Charter of the City of Marathon currently provides that the regular City election in which the City Council members are elected shall be in March of each election year and that runoff elections shall be held in April. The City Council has discussed moving the election date to November. Moving the date of the election will result in a one-time eight-month extension of the terms of office of the current Council members.

Should the Charter of the City of Marathon be amended to provide that the regular city elections shall be held on the first Tuesday after the first Monday in November of each election year and a runoff election, if necessary, shall be held on the first Tuesday after the first Monday in December of such election year?

Yes []

No []

Polling place information is available at the office of the City located at City of Marathon, 10045-55 Overseas Highway, Marathon, Florida 33050.”

Section 6. Copies of this Ordinance proposing the non-binding referendum ballot measure 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 7. The referendum ballot question is solely advisory and a non-binding measure, but the answer to the question receiving a majority of the qualified electors' vote shall be considered the answer preferred by the electors.

Section 8. 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 9. This Ordinance shall become effective immediately upon its adoption.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 9th day of January 2007.

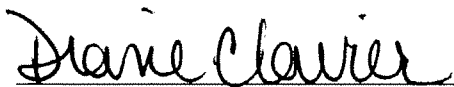
THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor


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

ATTEST:



Diane Clavier
City Clerk

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



City Attorney