

Sponsored by: Tempest
Introduction Date: 4/10/07
Public Hearing Dates: 4/10/07 and 4/24/07
Enactment date: 4/24/07

**CITY OF MARATHON, FLORIDA
ORDINANCE 2007-06**

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(3) OF THE CITY CHARTER BY CHANGING THE DATE TO QUALIFY FOR OFFICE; 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; AND PROVIDING FOR AN EFFECTIVE DATE.

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 federal, state and county elections are actually held on the first Tuesday 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, on March 13, 2007, a non-binding referendum was held in the City and a majority of voters supported moving the election date to the first Tuesday following the first

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

WHEREAS, Section 8(3) of the City Charter provides that a candidate for city elective office must qualify with the City Clerk during a one-week period ending on the second Tuesday in January of each election year; and

WHEREAS, the Council desires to change the qualifying period to reflect the new election dates in November;

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 Tuesday after the first Monday of each ~~March~~**November**, 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 Tuesday after the first Monday in ~~April~~**December**.

Section 8. Elections. --

...

(3) QUALIFYING FOR OFFICE.—

Any resident of the City who wishes to become a candidate for a City elective office shall qualify with the City Clerk no sooner than noon on the first Tuesday in ~~January~~ August nor later than noon on the second Tuesday in ~~January~~ August of the year in which the election is to be held.

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

The regular city ~~election~~ elections shall be on the first Tuesday ~~following~~ after the first Monday in ~~March~~ November of each election year. Such city elections shall be general city elections. 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, shall be held on the first Tuesday after the first Monday in ~~April~~ December.

Section 4. For the general City election occurring on November 4, 2008, 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 5. 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 6. 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 7. This Ordinance shall become effective immediately upon adoption on second reading.

ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, this 24th day of April, 2007.


THE CITY OF MARATHON, FLORIDA



Christopher M. Bull, Mayor


AYES: Tempest, Worthington, Vasil, Bull
NOES: Cinque
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

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