

ORDINANCE 24-02

AN ORDINANCE OF THE CITY OF MARCO ISLAND, FLORIDA, SUBMITTING TO REFERENDUM AMENDMENTS TO THE CHARTER OF THE CITY OF MARCO ISLAND AT ARTICLE III, "LEGISLATIVE," SECTIONS, 3.03, 3.04, 3.06 OF THE CITY OF MARCO ISLAND CHARTER; TO PROVIDE FOR THE CHANGE IN THE TITLE OF THE CHIEF ELECTED OFFICERS FROM CHAIRMAN AND VICE-CHAIRMAN TO MAYOR AND VICE-MAYOR, RESPECTIVELY; PROVIDING FOR A NOTICE OF AN ADVERTISEMENT OF THE REFERENDUM ELECTION TO BE PUBLISHED IN ACCORDANCE WITH THE CODE OF ORDINANCES AND THE CHARTER OF THE CITY OF MARCO ISLAND, FLORIDA, AS WELL AS THE STATE OF FLORIDA ELECTION CODE; PROVIDING THAT THIS ORDINANCE, WHEN ADOPTED, SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY OF MARCO ISLAND, ON THE MARCH 19, 2024 PRESIDENTIAL PREFERENCE PRIMARY ELECTION BALLOT; AND IT SHALL BECOME EFFECTIVE AS PROVIDED BY LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY'S CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 166, Florida Statutes, as amended, provides for a methodology of Charter amendments supplementary to and not in conflict with the Charter of the City of Marco Island; and

WHEREAS, Chapter 166, Florida Statutes, as amended, provides that such an amendment may be submitted to a referendum vote by the City Council of the City of Marco Island, Florida, in an ordinance format; and

WHEREAS, the City Council has recommended modifications to Article III, "Legislative," Section 3.03, "Compensation," Section 3.04, "General Provision," and 3.06, "Meetings and Procedure," and in particular has recommended the amendments to the City of Marco Island Charter to provide for the change of the titles of the chief elected

officers of the City of Marco Island from Chairman and Vice-Chairman to Mayor and Vice-Mayor, and a change to the salary for the City's Elected Officials.

WHEREAS, the City Council deems the proposed amendment to the City Charter, as detailed herein, to be in the best interests of the citizens and residents of the City.

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

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. Article III, entitled, "Legislative," shall be revised by amending Section 3.03, "Compensation," of the Charter of the City of Marco Island, as follows:

Section 3.03. Compensation.

The salary of each Council Member, except for the Mayor, Chairman, shall be \$6,000.00 per year, payable in equal monthly installments. The salary of the Mayor Chairman shall be \$9,000.00 per year, payable in equal monthly installments.

Section 3. Article III, entitled, "Legislative," shall be revised by amending Section 3.04, "General Provisions," of the Charter of the City of Marco Island, as follows:

Section 3.04. General Provisions.

(1) The Council shall elect a Mayor Chairman and Vice-Mayor Vice-Chairman to serve for a term of two one years, at the first meeting following the Council election in 2024, and every two years the annual anniversary thereafter.

(2) The Mayor Chairman shall preside at meetings of the Council, shall have a voice and vote in its proceedings, and shall be recognized as head of City government for ceremonial purposes and for purposes of military law.

(3) The Vice-Mayor Vice-Chairman, in the absence of the Mayor Chairman, shall have all the power and prerogative to perform the duties of the Mayor Chairman.

(4) No former Council Member shall hold any compensated City position until four years after the expiration of the term for which the Council Member was elected.

(5) No Council Member shall direct or request, or participate in, the appointment or removal by the City Manager of any employee in the administrative service of the City.

(6) Except for the purpose of inquiry, the Council and its Members shall deal with the administrative service solely through the City Manager and neither the Council nor any Member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

(7) Notwithstanding the provisions of (6) above, upon the affirmative vote of five (5) or more Council Members, the Council shall conduct investigations into the activities or the performance of any City department, agency, administration, City Manager, staff or employee. Investigations may be conducted by the Council as a whole or delegated by Council to any Council Member(s), or to another person(s) and/or entity. Council shall act on any such findings as it may determine to be in the best interest of the City.

Section 4. Article III, entitled, "Legislative," shall be revised by amending Section 3.06, "Meetings and Procedures," of the Charter of the City of Marco Island, as follows:

Section 3.06. Meetings and Procedures.

(1) The Council shall schedule a minimum of twelve (12) regular meetings each year. Special meetings may be held at the call of the Mayor Chairman or a majority of Members and, except in an emergency, all meetings shall be upon at least 24 hours notice to each Member and the public.

(2) A majority of the Council shall constitute a quorum. No action by the Council shall be valid unless adopted by the affirmative vote of at least a majority of Council Members present and voting at the City Council meeting. Nothing herein shall prohibit the City Council from enacting an ordinance which provides for a supermajority vote unless otherwise required or prohibited by law.

(3) All Council Members present shall vote on all matters before the City Council except on those matters on which a Council Member announces a conflict of interest or the City Attorney determines there is a conflict of interest.

Section 5. The Ballot Title shall be as follows:

THE TITLE OF CHAIRMAN AND VICE-CHAIRMAN SHALL BE CHANGED TO MAYOR AND VICE-MAYOR

Section 6. At the Presidential Preference Primary Municipal Election on March 19, 2024, the following question shall be placed on the ballot for consideration by the qualified electors of the City of Marco Island, Florida, and shall be read as follows:

The City Charter currently refers to the Chief Elected Officials for the City of Marco Island as Chairman and Vice-Chairman selected by the City Council every year. Should the City Charter be amended to provide that the reference to the Chairman and Vice-Chairman be changed to Mayor and Vice-Mayor, selected by the City Council every two years, with no changes to current powers and authority, term limits, or eligibility.

YES NO

Section 7. Effectiveness.

A. That the Charter Amendments which are provided herein shall become effective only if the majority of the qualified electors voting on the Charter Amendment vote in favor of its adoption, and it shall be considered adopted and effective upon the certification of the election results.

Section 8. Advertisement. The City Clerk of the City of Marco Island is hereby authorized and directed to advertise the referendum election contemplated herein all in accordance with the Code of Ordinances of the City of Marco Island, Florida, as well as the State of Florida Election Code.

Section 9. Conflict. All ordinances or parts of ordinances in conflict are repealed to the extent of such conflict.

SECTION 10. Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 11. Codification. It is the intention of the City Council that the provisions of this Ordinance shall become and be made a part of the City of Marco Island Code, and that the sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section", "article" or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 12. Effective Date. This Ordinance shall become effective immediately upon adoption at its second reading.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND this 8th day of January 2024.

ATTEST:

CITY OF MARCO ISLAND, FLORIDA

Joan Taylor, City Clerk

By: _____
Jared Grifoni, Chairman

Approved as to form and legal sufficiency:

Alan L. Gabriel, City Attorney