



MEMORANDUM

To: City Council, Marco Island, Florida

From: Alan L. Gabriel, City Attorney 

Date: March 13, 2026

RE: Marco Island Referendum Petition –
Advanced Wastewater Treatment – Next Steps

The Committee to Improve the Quality of Marco Island Reuse Water, Inc., (the "Committee") charter initiative petition was signed by more than the ten percent (10%) of the City's qualified voters to approve an Ordinance Requiring Advanced Wastewater Treatment at the City Of Marco Island's Wastewater Treatment Plant (the "Ordinance").

On March 5, 2026, the Interim City Manager received from the Collier County Supervisor of Elections Office certification that 1,431 valid registered City voters properly signed the Committee's Petition for an Ordinance "For The Purpose Of Upgrading The Marco Island Wastewater Treatment Plant To Achieve Advanced Wastewater Treatment (AWT) Nutrient Standards To Meet A Total Nitrogen (TN) Standard Expressed As "N" Of The No More Than 3 MG/L And A Total Phosphorus (TP) Standard Expressed as "P" Of No More Than 1 MG/L." (Attached is a copy of the Supervisor of Elections Office letter dated March 5, 2026)

Based upon the foregoing, more than 10% of the qualified electors (voters) of the City have petitioned City Council to adopt the Committee's Ordinance "For The Purpose Of Upgrading The Marco Island Wastewater Treatment Plant To Achieve Advanced Wastewater Treatment (AWT) Nutrient Standards To Meet A Total Nitrogen (TN) Standard Expressed As "N" Of The No More Than 3 MG/L And A Total Phosphorus (TP) Standard Expressed as "P" Of No More Than 1 MG/L ". (City Charter Section 6.01 (1)).

Pursuant to the City's Charter, now that the City has received the Supervisor of Elections Certification, below are the required next steps and Council's options:

1. Within 20 business days after certification of the registered voters has been received from the Supervisor of Elections, the City Manager, or other official designated by the Council, shall
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complete a certificate as to the petition's sufficiency.¹ This Certificate of Sufficiency must be completed timely pursuant to the City Charter, twenty business days from March 5, 2026, which is April 2, 2026.

2. Once the certification of valid City electors is received, Council shall take appropriate action to address the sufficiency of the Petition pursuant to Section 166.031, Florida Statutes.² It is anticipated that the Petition (which includes the proposed Ordinance) will be scheduled for Council discussion at its April 6, 2026, Council meeting.
3. Council may direct that the Committee's proposed Ordinance, without any change in substance, be scheduled for Council consideration at a date and time to be determined, at first and second reading pursuant to Section 166.041(3). If Council fails to adopt the Ordinance as proposed, without any change in substance, Council is required to place the Ordinance on the ballot of the next general election, or in Council's discretion, at a special election.³ The next scheduled general election is November 3, 2026.
4. If a majority of the qualified electors voting on the proposed Ordinance vote in favor of the Ordinance, the Ordinance shall be considered adopted upon certification of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by Council.⁴
5. An initiative petition may be withdrawn at any time prior to the 40th day preceding the day scheduled for a vote of the City by filing with the City Manager, or other official designated by the Council, a request for withdrawal signed by at least four members of the Committee.⁵ By my calculation, the 40th day is September 24, 2026.

If you have any questions, or would like to discuss this matter further, please do not hesitate to contact me.

Attachment (1)

CC: City Manager
City Clerk

¹ Section 6.03(2) of the City Charter.

² Section 6.05(1) of the City Charter.

³ Section 6.01(1) of the City Charter.

⁴ Section 6.06(1) of the City Charter.

⁵ Section 6.05(3) of the City Charter.



January 6, 2026

City of Marco Island
Darrin Palumbo, Chairman, City Council
50 Bald Eagle Dr
Marco Island, FL 34145

Dear Darrin Palumbo:

The purpose of this letter is to provide information and important dates/deadlines related to the 2026 Election Cycle, as well as important reminders regarding past practice and policy of placement of certain items on the ballot.

The Collier County Supervisor of Elections office will be conducting two county-wide elections in 2026. Those elections are as follows:

- Primary Election - August 18, 2026
- General Election - November 3, 2026

Since 2013, it has been the policy of the Collier County Supervisor of Elections office to not accept referenda for placement on the General Election ballot. This is due to several factors including the proliferation of Special Districts within the boundaries of Collier County, as well as the growth in ballot length due to required Constitutional Amendments that are placed on the ballot by the Department of State, Division of Elections.

Referenda may be placed on the Primary Election ballot in 2026 at no cost to the entity. In order to have a referendum placed on the Primary Election ballot, we must have the final text of the referendum in English and Spanish by 5:00 p.m. on June 12, 2026.

If your agency is planning on placing an item on the ballot, it is imperative that you work closely with our office leading up to the respective deadline. There are specific word-count restrictions in the title and the body of referenda that need to be adhered to and our office is available to help you meet those specific standards.

Should you have any questions or need additional information, please feel free to contact Kevin Turner, Chief Deputy, at 239-252-6235 or by email Kevin.Turner@CollierVotes.gov.

Sincerely,

Melissa R. Blazier
Supervisor of Elections