

Sponsored By: Council
City Council Public Hearing Date: January 12, 2021
February 9, 2021
Enactment Date:

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-01**

AN ORDINANCE BY THE CITY OF MARATHON, FLORIDA, AMENDING CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF MARATHON (“CITY COUNCIL”) BY CREATING SECTION 2-20, PROVIDE FOR PROCEDURES FOR FILLING A VACANCY IN CANDIDACY CAUSED BY DEATH, WITHDRAWAL, OR REMOVAL FROM THE BALLOT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES OR PARTS THEREOF FOUND TO BE IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Marathon (“City”) is a municipal corporation of the State of Florida with such power and authority as has been conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes, and

WHEREAS, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution; and

WHEREAS, Chapter 166.031(6), Florida Statutes requires each municipality to have procedures in place to account for the unexpected death, withdrawal, or removal from the ballot of a qualified candidate following the end of the qualifying period when such removal leaves fewer than two candidates for an office; and

WHEREAS, the City currently has no such procedure in place; and

WHEREAS, the City Council has determined that the implementation of such procedures is in the best interests of the City.

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

~~Strikethrough~~ = deletion

Bold underline = addition

Section 1. The above recitals are true, correct, and incorporated herein by this reference.

Section 2. Chapter 2, Article II of the City Code of Ordinances entitled “City Council” is amended to create Section 2-20 entitled “Vacancy in candidacy” to read as follows:

Section 2-20. Vacancy in candidacy

(a) If the withdrawal, death or removal from the ballot of a qualified candidate following the end of the qualifying period results in only one candidate remaining on the ballot for that office, the remaining candidate shall be declared elected and no election for that office shall be required.

(b) If the death, withdrawal or removal from the ballot of a qualified candidate following the end of the qualifying period but before the election results in no candidates for an office, and if a vacancy shall result on the city council, then and in that event, at the next regularly scheduled city council meeting, the city council shall by majority vote, appoint a person to fill the vacancy until the next regularly scheduled city election

Section 3. Any provisions of the Code of Ordinances of the City of Marathon, Florida or Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, or 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 5. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Marathon Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the “Ordinance” shall be changed to “Section” or other appropriate word.

Section 6. This Ordinance shall become effective immediately upon approval.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS XX DAY OF XXXX, 2021.**

THE CITY OF MARATHON, FLORIDA

Luis Gonzalez, Mayor

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Diane Clavier, City Clerk

(City Seal)

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

Steven Williams, City Attorney