

Sponsored By: Council
City Council Public Hearing Dates: December 14, 2021
January 11, 2022
February 8, 2022
Enactment Date: February 8, 2022

**CITY OF MARATHON, FLORIDA
ORDINANCE 2021-30**

AN ORDINANCE OF THE CITY OF MARATHON, FLORIDA, AMENDING SECTION 5, PARAGRAPH 2, “TERM OF OFFICE” TO CHANGE THE TYPICAL TERM OF OFFICE FOR CITY COUNCIL MEMBERS TO FOUR YEARS; PROVIDING FOR COPIES OF THESE CHARTER AMENDMENTS TO BE AVAILABLE FOR PUBLIC INSPECTION; PROVIDING FOR THE CLERK TO UTILIZE THE SERVICES OF THE MONROE COUNTY SUPERVISOR OF ELECTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER/CONFORMITY OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 11 of the City Charter in accordance with the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, provides the manner in which charter amendments shall be proposed; and

WHEREAS, the City Council wishes to amend the charter and extend the typical term of office from three (3) years to four (4) years; and

WHEREAS, holding an election every three (3) years places an additional drain on City resources via costs and expenses to hold the election itself, as well as time spent by staff preparing for and holding the election, responding to questions, and enforcing codes related to the election; and

WHEREAS, by extending the term of office to four (4) years, the City will be able to expend less resources over time and reallocate them to other areas; and

WHEREAS, the City Council wishes to submit these proposed charter amendments for approval or rejection by the electors; and

WHEREAS, pursuant to law, the electors of the City shall have the power to approve or reject at the polls any ordinance submitted by the City Council to a vote of the electors.

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. Section 5, Paragraphs 2 and 7 of the Marathon City Charter are hereby amended to read as follows:

Section 5. City Council

(2) *Term of office.* The term of office council members shall be ~~three (3)~~ **four (4)** years commencing in ~~November, 2015~~ **November, 2022**. Each council member shall remain in office until a successor is elected and assumes the duties of the position, except as otherwise provided herein. No council member shall serve more than two (2) consecutive terms of office retaining the ~~six-year~~ **eight-year** total term limitation. Term-limited council members must sit out a minimum of a full term before running again. In the event a Councilmember fails to complete a full term for any reason, the vacated seat shall not cause the rotation of elected members to become permanently out of sync with a three or two candidate election cycle.

(d) *Filling of vacancies.*

2. If any vacancy occurs in the office of any council member and the remainder of the unexpired term is less than 81 days, the remaining council members shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term is 81 days or more, the remaining council members shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled city election. At the next regularly scheduled election, the person receiving the fewest number of votes, but still winning a vacant seat shall serve a shorter term as necessary to maintain a regular election cycle of only 3 or 2 seats being open for election or re-election.

SECTION 3. The place, information and the full text of the proposed charter amendments are available at the Office of the City Clerk located at 9805 Overseas Highway, Marathon, Florida 33050. Copies of this ordinance providing for this charter amendment subject to this referendum approval is on file in the Office of the City Clerk and available for public inspection during regular business hours. The City Clerk is authorized to utilize the services of County Supervisor of Elections for any assistance required in the administration of the election.

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. 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 6. This Ordinance shall become effective upon adoption on second reading, and each of the charter amendment measures provided herein shall be effective only upon approval of a majority of electors voting on the measure, effective upon certification of the election results. If conflicting amendments are adopted at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

**ENACTED BY THE CITY COUNCIL OF THE CITY OF MARATHON,
FLORIDA, THIS 8th DAY OF FEBRUARY, 2022.**

THE CITY OF MARATHON, FLORIDA

John Bartus, 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:**

Steve Williams, City Attorney