

RESOLUTION NO. 00-12-87

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA; PROVIDING FOR NON-BINDING STRAW BALLOT MEASURES TO BE PRESENTED TO THE ELECTORS OF THE CITY CONCERNING THE COST RECOVERY ADMINISTRATIVE PROGRAM OF THE CITY, TO BE SUBMITTED TO THE ELECTORS IN CONJUNCTION WITH THE GENERAL CITY ELECTION ON TUESDAY, FEBRUARY 13, 2001, FOR THE PURPOSE OF PRESENTING A CHOICE BETWEEN DISCONTINUING SUCH PROGRAM OR PROVIDING FOR PARTIAL OR FULL RECOVERY OF THE COST OF PROVIDING CITY SERVICES FOR THE REVIEW OF APPLICATIONS FOR PERMITS AND DEVELOPMENT APPROVALS FROM PERSONS BENEFITING FROM SUCH REVIEW; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORS; PROVIDING FOR NOTICE OF ELECTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council is authorized to provide for the submission of non-binding measures to the electors of the City pursuant to a straw ballot; and

**WHEREAS**, the City Council desires to submit to the electors of the City proposed straw ballot measures concerning cost recovery, as described herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals Adopted.** The above recitals are hereby confirmed and adopted.

**Section 2. Non-Binding Referendum.** That a non-binding referendum election is hereby called, to be held in conjunction with the general City election, for Tuesday, the 13th Day of February, 2001, to present to the electors of the City of Marathon, the straw ballot measures provided in Section 3 of this Resolution.

**Section 3. Form of Straw Ballot.** That the form of straw ballot for the cost recovery

measures provided for herein shall be substantially as follows:

**Question Number 1:**

**Full Cost Recovery Program.**

The City Council has established a Cost Recovery Program to assure that the City recovers the full cost of providing City services for the review of applications for permits and development approvals from persons benefiting from such review.

Shall the City Council continue the above described full Cost Recovery Program?

Yes [ ]

No [ ]

**Question Number 2:**

**Partial Cost Recovery Program.**

The City Council has established a Cost Recovery Program to assure that the City recovers the full cost of providing City services for the review of applications for permits and development approvals from persons benefiting from such review.

Shall the City Council revise such Cost Recovery Program to recover the majority of such cost, but not the full cost?

Yes [ ]

No [ ]

**Question Number 3:**

**Limited Cost Recovery Program.**

The City Council has established a Cost Recovery Program to assure that the City recovers the full cost of providing City services for the review of applications for permits and development approvals from persons benefiting from such review.

Shall the City Council revise such program to recover less than a majority of such costs?

Yes [ ]

No [ ]

**Question Number 4:**

**Termination of Cost Recovery**

The City Council has established a Cost Recovery Program to assure that the City recovers the full cost of providing City services for the review of applications for permits and development approvals from persons benefiting from such review.

Shall the City Council terminate the existing Cost Recovery Program?

Yes [ ]

No [ ]

**Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00 a.m. until 7:00 p.m. at the regular polling places for City elections. All qualified City electors who are timely registered in accordance with law shall be entitled to vote. The City's officials are authorized to obtain any necessary election administration services from the Monroe County Supervisor of Elections.

**Section 5. Notice of Election.** That notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the City at least 30 days prior to said election, the first publication to be in the fifth week prior to the election (to-wit: during the week commencing Sunday, January 7, 2001), and the second publication to be in the third week prior to the election (to-wit: during the week commencing Sunday, January 21, 2001), and shall be in substantially the following form:

**"NOTICE OF STRAW BALLOT ELECTION**

**PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. \_\_\_\_\_, ADOPTED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA (THE "CITY") A NON-BINDING STRAW BALLOT ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE CITY, IN CONJUNCTION WITH THE GENERAL CITY ELECTION, ON TUESDAY, FEBRUARY 13, 2001, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING STRAW BALLOT MEASURES SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE CITY.**

**Question Number 1:**

**Full Cost Recovery Program.**

The City Council has established a Cost Recovery Program to assure that the City recovers the full cost of providing City services for the review of applications for permits and development approvals from persons benefiting from such review.

Shall the City Council continue the above described full Cost Recovery Program?

Yes [ ]

No [ ]

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Yes [ ]

No [ ]

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Yes [ ]

No [ ]

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Yes [ ]

No [ ]

**For the purpose of determining which of the conflicting straw ballot questions are preferred by the electors, the question receiving the greatest number of votes of approval by a majority of the qualified electors voting on each question, shall be considered to be the proposal preferred by the electors. Polling place information and the full text of the enabling Resolution concerning these straw ballot questions is available at the office of the City located at City of Marathon, 11090 Overseas Highway, Marathon, Florida 33050."**

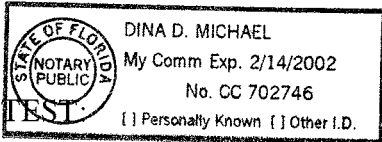
**Section 6. Copies.** That copies of this Resolution proposing the straw ballot measures are on file in the office of the City located at City of Marathon, 11090 Overseas Highway, Marathon, Florida 33050, and are available for public inspection during regular business hours.

**Section 7. Intent.** That the straw ballot questions are solely advisory and non-binding measures, but for the purpose of determining which of the conflicting straw ballot questions are preferred by the electors, the proposal receiving the greatest number of votes of approval by a majority of the qualified electors voting on each question, shall be considered to be the proposal preferred by the electors.

**Section 8. Effective Date.** That this Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED this 12<sup>TH</sup> day of DECEMBER, 2000.

  
ROBERT MILLER, MAYOR



ATTEST

*Dina D. Michael*

CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:

*W. J. [Signature]*

CITY ATTORNEY