

**ORDINANCE NO. 10-09**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, CALLING A SPECIAL ELECTION TO BE HELD TUESDAY, NOVEMBER 2, 2010; PROVIDING FOR SUBMISSION TO THE ELECTORS PROPOSED AMENDMENTS TO THE VILLAGE CHARTER PERTAINING TO TERM LIMITS, PROVIDING FOR BALLOTING; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR NOTICE OF ELECTION; PROVIDING AUTHORIZATION OF VILLAGE CLERK; PROVIDING FOR VILLAGE CANVASSING BOARD; PROVIDING FOR EFFECTIVENESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER/CONFORMITY OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Section 11(1) of the Charter and Section 166.031, Florida Statutes, the Village Council is authorized to provide by ordinance for the submission of proposed amendments to the Village Charter to the electorate of the Village for acceptance or rejection; and

**WHEREAS**, the Village Council desires to submit to the electors of the Village the following proposed Charter Amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

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

**Section 2. Charter Amendments.** Pursuant to Section 11(1) of the Village Charter, and Section 166.031, Florida Statutes, the following sections of the Village Charter of Islamorada, Village of Islands, are hereby amended to reads as follows:<sup>1</sup>

If Question No. 1 is approved by the electors:

**Section 5. Village Council.**

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Section 5(2) *Term of office.* The term of office for councilmembers shall be two years. Each councilmember shall remain in office until a successor is elected and assumes the duties of the position, except as otherwise provided herein. ~~No councilmember shall serve more than eight consecutive years in office.~~

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**Section 3. Election Called.** A special election is hereby called, to be held on Tuesday, November 2, 2010, to present to the electors of Islamorada, Village of Islands, the ballot questions provided in Section 5 of this Ordinance.

**Section 4. Balloting.** That balloting shall be conducted between the hours of 7:00 a.m. and 7:00 p.m. at the regular polling places for Village elections. All qualified Village electors who are timely registered in accordance with law shall be entitled to vote. If authorized by statute, early voting shall be available.

**Section 5. Form of Ballot.**

- (a) That the form of the Ballot Questions for the proposed Charter amendments provided for in Section 2 of this Ordinance shall be substantially as follows:

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<sup>1</sup> Deleted text is indicated by a ~~strikethrough~~ and added text is indicated by an underline.

**Question No. 1**

**Elimination of Councilmember term limits to allow unlimited terms of office**

The Charter currently provides that a Councilmember may only serve eight consecutive years in office. Shall the Charter be amended to remove the existing term limits which would allow a Councilmember to serve unlimited consecutive terms of office?

Yes [ ]

No [ ]

(b) The Village Clerk and the Village Attorney are authorized to make any non material changes to the proposed text of the Ballot Questions to carry out the intention of the Village Council in order to comply with applicable state law requirements pertaining to referenda found in Chapter 101, Florida Statutes.

**Section 6. Notice of Election.**

(a) Notice of said election shall be published in accordance with Section 100.342, Florida Statutes, in a newspaper of general circulation within the Village at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election.

(b) The notice of election shall be in substantially the following form:

**“NOTICE OF SPECIAL ELECTION**

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. 10-09, ADOPTED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA (THE “VILLAGE”) AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE VILLAGE ON TUESDAY, NOVEMBER 2, 2010, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSALS

SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE.

**Question No. 1**

Elimination of Councilmember term limits to allow unlimited terms of office

The Charter currently provides that a Councilmember may only serve eight consecutive years in office. Shall the Charter be amended to remove the existing term limits which would allow a Councilmember to serve unlimited consecutive terms of office?

Yes [ ]

No [ ]

If conflicting Charter amendments are adopted at the same election, the Charter amendment receiving the greatest number of affirmative votes shall be considered adopted and prevail over any conflicting Charter amendments to the extent of any such conflict.

Polling place information and the full text of the proposed Village Charter amendments are available at the Office of the Village Clerk, 86800 Overseas Highway, Islamorada, Florida 33036.

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Village Clerk”

**Section 7. Authorization of Village Clerk.** The Village Clerk, with necessary assistance from the Monroe County Supervisor of Elections, is hereby authorized to take all appropriate actions necessary to carry into effect and accomplish the electoral provisions of this Ordinance.

**Section 8. Village Canvassing Board.** This election shall be canvassed by the Village Clerk in accordance with the provisions of Section 8(a)(7) of the Village Charter and any applicable provisions of the general election laws.

**Section 9.**     **Effectiveness.** Adoption of each proposed Charter Amendment shall occur if a majority of the electors voting in the referendum affirmatively vote for its adoption. Each adopted Charter Amendment shall be considered adopted and effective upon certification of the election results. Notwithstanding the preceding, if conflicting Charter amendments are adopted at the same election, the Charter amendment receiving the greatest number of affirmative votes shall be considered adopted and prevail over any conflicting Charter amendments to the extent of any such conflict.

**Section 10.**   **Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and 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 11.**   **Inclusion in the Charter/Conformity of Amendments.** Following adoption of any or all of the Charter Amendments, the Village Clerk shall have the Charter Amendment(s) incorporated into the Village Charter and shall file the revised Charter with the Department of State. In the event that some, but not all of the Charter Amendments are approved by the electors, conforming amendments shall be deemed to be adopted and the Village Clerk is authorized to revise the Charter, including the provisions of the transitional provisions, to the extent necessary to ensure that all adopted amendments conform to one another.

**Section 12.**   **Application of Amendments.** The Charter Amendments adopted by the electors in the Special Election shall apply prospectively only. The adopted Charter Amendments shall not operate to impair or affect the existing term of office of any Councilmember.

**Section 13.** **Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

The foregoing Ordinance was offered by Councilman Philipson, who moved for its adoption on first reading. This motion was seconded by Councilman Johnson, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt	YES
Vice Mayor Don Achenberg	YES
Councilman Bob Johnson	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

PASSED AND ADOPTED on the first reading this 10<sup>th</sup> day of June, 2010.

The foregoing Ordinance was offered by Councilman Philipson, who moved for its adoption on second reading. This motion was seconded by Councilman Purdo, and upon being put to a vote, the vote was as follows:

Mayor Michael Reckwerdt	YES
Vice Mayor Don Achenberg	YES
Councilman Bob Johnson	YES
Councilman Ken Philipson	YES
Councilman Dave Purdo	YES

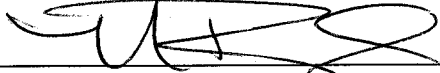
PASSED AND ADOPTED on the second reading this 14<sup>th</sup> day of June, 2010.

  
MICHAEL RECKWERDT, MAYOR

ATTEST:

  
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS ONLY:



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VILLAGE ATTORNEY

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