

By Representative Saunders

1 A bill to be entitled
2 An act relating to Collier County; establishing
3 and organizing a municipality to be known and
4 designated as the City of Marco Island;
5 defining territorial boundaries; providing for
6 government, jurisdiction, elections,
7 administrative code, procedure, powers,
8 franchises, immunities, privileges, and means
9 for exercising the same; prescribing the
10 general powers to be exercised by said city;
11 providing prohibitions; providing procedures
12 for filling vacancies in office; providing for
13 a city council, city manager, and city
14 attorney; providing for an initial election;
15 providing for ordinances; providing for budget
16 adoption; providing for amendments to the city
17 charter; providing for referendum petitions;
18 providing severability; providing for
19 dissolution of the Marco Island Fire Control
20 District; providing for a referendum; providing
21 a transition schedule; providing for county
22 ordinances and services during transition
23 period; providing effective dates.

24
25 WHEREAS, residents of Marco Island in Collier County,
26 Florida, desiring to have the rights of self-determination, to
27 the fullest extent allowed by law, in the establishment and
28 operation of facilities and services desired by the residents,
29 do seek the benefits conferred on municipal corporations by
30 the Constitution and Laws of the State of Florida, NOW,
31 THEREFORE,

1 Be It Enacted by the Legislature of the State of Florida:

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3 PROPOSED CHARTER - CITY OF MARCO ISLAND ARTICLE I - POWERS

4 Section 1.01 Powers of the City of Marco Island.--The
5 city known as Marco Island shall have all powers possible for
6 a city to have under the constitution and laws of the state as
7 fully and completely as though they were specifically
8 enumerated in this charter unless prohibited by or contrary to
9 the provisions of this charter; and in addition to the
10 foregoing and not by way of limitation, the city shall have
11 the following powers:

12 (1) To organize and regulate its internal affairs and
13 to establish, alter, abolish, and terminate, such termination
14 to be only for cause, offices, positions, and employments,
15 including citizen board positions, and to define functions,
16 powers, and duties, and fix their term, tenure, and
17 compensation.

18 (2) To adopt, amend, and repeal such ordinances,
19 resolutions, and codes as may be required for the good
20 government of the city, including local police ordinances
21 carrying penalties, zoning ordinances, housing codes, building
22 and related technical codes, business regulations, and
23 ordinances relating to and regulating the sale of alcoholic
24 beverages.

25 (3) To prepare and adopt comprehensive plans for the
26 development of the city, including provision for subdivision
27 regulation, environmental protection, pollution control,
28 community facilities, and all other related activities,
29 including growth management. The principles of Deltona's
30 development plan for Marco Island shall be a guide in the

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1 development of zoning regulations for the City of Marco
2 Island.

3 (4) To sue and be sued; to have a corporate seal; to
4 contract and be contracted with; to buy, receive by gift or
5 devise, sell, lease, hold, and dispose of real and personal
6 property for any public purpose; to have the power of eminent
7 domain and to acquire by condemnation or otherwise all private
8 lands, riparian and other rights, necessary for public
9 purposes and improvements.

10 (5) To raise funds by taxation and to make such levy
11 upon the taxable property in the City of Marco Island as will
12 provide funds necessary for the operation of the city and for
13 such other purposes as may be provided in general law,
14 pursuant to the general laws of Florida.

15 (6) To appropriate and expend money for any public
16 purpose. Operating expenditures shall be limited to an
17 increase from the prior year's expenditures of 3 percent plus
18 the then-current Federal C.O.L.A. (Department of Labor, Bureau
19 of Statistics, Consumer Price Index) per annum following the
20 third full year of incorporation; except that this shall not
21 apply to expenditures under section 3.11, and shall not apply
22 to capital expenditures as provided in section 6.02.

23 (7) To borrow money for public purposes.

24 (8) To levy special or local assessments for local
25 improvements and to hold liens for public improvements.

26 (9) To license and tax privileges, businesses,
27 occupations, and professions carried on and engaged in within
28 the corporate limits of the city and to classify and define
29 such privileges, businesses, occupations, and professions for
30 the purpose of taxation.

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1 (10) To do and perform all other acts as seem
2 necessary and best adapted to the improvement and general
3 interest of the city, and the protection of the health, life,
4 and property of the city and its inhabitants, not contrary to
5 the laws of Florida.

6 Section 1.02 Construction of Powers.--

7 (1) The powers of the city under this charter shall be
8 construed liberally in favor of the city.

9 (2) The charter of the city may be revoked in
10 accordance with the dissolution procedure of chapter 165,
11 Florida Statutes.

12 Section 1.03 Intergovernmental Relations.--The city
13 may exercise any of its powers or perform any of its functions
14 and may participate in the financing thereof, jointly or in
15 cooperation, by contract or otherwise, with any one or more
16 other municipalities, state or local governments or civil
17 divisions or agencies thereof or the United States Government
18 or any agency thereof.

19 Section 1.04 Elections.--All elections required under
20 any article or section of this charter, as adopted and
21 subsequently amended, shall be conducted in accordance with
22 the provisions of Florida's Election Code in its entirety and
23 as it is subsequently amended. The Florida Elections laws are
24 hereby expressly adopted except that council elections shall
25 be nonpartisan; candidates for the council shall qualify by
26 seat or group numbers; qualifying shall be by petition equal
27 to 1 percent of the voter registration in the last general
28 election; and council elections shall be held as prescribed in
29 Section 5.02 of this charter.

30 Section 1.05 Administrative Code.--An administrative
31 code shall be adopted by the city council and amended as

1 necessary, defining the departmental organization of the city
2 and appropriate rules and regulations for the conduct of such
3 departments. The administrative code, as adopted, shall
4 describe the line of authority and responsibility of the
5 various departments, as well as the various relationships
6 between line and staff departments. In addition, a graphic
7 table of organization shall be included in said administrative
8 code which shall be adopted by ordinance.

9 ARTICLE II - CORPORATE LIMITS

10 Section 2.01 Description of Corporate Limits.--The
11 following shall constitute the Corporate Limits of the City of
12 Marco Island:

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14 A Corporate Line lying offshore from Marco
15 Island, in portions of Township 52 South, Range
16 26 East, Collier County, Florida, which line is
17 described as follows: From the corner common to
18 Sections 17, 18, 19, and 20, Township 52 South,
19 Range 26 East, run Westerly along the line
20 common to said Sections 18 and 19 to a point
21 2,640 feet offshore in the Gulf of Mexico from
22 the Mean High Tide Line Section 18 and the
23 point of beginning. From said point of
24 beginning, run Southerly 2,640 feet offshore
25 from the Mean High Tide Line of Marco Island,
26 past the Southerly point of said Island to the
27 mouth of Caxambas Pass, thence run
28 Northeasterly in the waters of Caxambas Pass to
29 the center line of the channel of said Caxambas
30 Pass; thence run Easterly along the centerline
31 of the channel of Caxambas Pass, to a point

1 intersecting a marked channel running Northerly
2 towards Barfield Bay; thence run Northerly
3 along the centerline of said channel to a point
4 300 feet offshore in Barfield Bay from the Mean
5 High Tide Line of the Easterly end of lands
6 formerly known as J.M. Barfield Subdivision,
7 thence run Northerly, Easterly, and Southerly,
8 300 feet offshore in Barfield Bay from the Mean
9 High Tide Line of Marco Island to intersection
10 with the centerline of Blue Hill Creek; thence
11 run Southeasterly along the centerline of Blue
12 Hill Creek to a point 300 feet offshore in Blue
13 Hill Bay from the Mean High Tide Line of Marco
14 Island; thence continue Northerly, Easterly,
15 and Southerly 300 feet offshore in Blue Hill
16 Bay from the Mean High Tide Line of Marco
17 Island to centerline of the aforementioned Blue
18 Hill Creek; thence run Northeasterly along the
19 centerline of Blue Hill Creek, but to a point
20 intersecting the line common to Range 26 East
21 and Range 27 East, Township 52 South, Collier
22 County, Florida; thence run Northerly along the
23 line common to said Range 26 and 27 but to a
24 point intersecting the centerline of the
25 channel of the Big Marco River, thence
26 Northerly, Northwesterly, and Westerly along
27 the centerline of the aforementioned Big Marco
28 River and out through the marked Capri Pass,
29 being 2640 feet offshore from the Mean High
30 Tide Line of Marco Island; thence run
31 Southwesterly, Southerly and Southeasterly 2640

1 feet offshore from the Mean High Tide Line of
2 Marco Island to the point of Beginning lying
3 along the East-West line common to Sections 18
4 and 19, Township 52 South; Range 26 East.

5 ARTICLE III - LEGISLATIVE
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7 Section 3.01 City Council; Composition; Qualifications
8 of Council.--

9 (1) There shall be a seven-member city council,
10 elected from and representing the city at-large.

11 (2) If at any time subsequent to the initial election,
12 the electorate and/or the city council conclude that the
13 demographics of the city warrant that some of the city council
14 seats should represent certain city districts while still
15 being voted on by all the city electors, such changes can be
16 effected as provided for in the Municipal Home Rules Powers
17 Act, chapter 166, Florida Statutes, or as provided for in
18 section 6.01 and section 7.01 of this charter.

19 (3) To qualify for office:

20 (a) Each individual seeking to qualify as a candidate
21 for a seat on the council shall submit a petition supporting
22 his/her candidacy to the city manager (or, for the initial
23 election, to the Supervisor of Elections of Collier County)
24 containing valid signatures of city electors equal to 1
25 percent of the number of city electors registered in the last
26 general election for the respective office sought.

27 (b) Each candidate for the office of city council
28 shall be a qualified elector of the city as provided in
29 section 5.01.
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1 (c) Each candidate for city council office shall have
2 been a resident of the city for a minimum period of 1 year
3 prior to qualifying for office.

4 (d) If elected, the council members shall maintain
5 residency throughout his/her term of office within the
6 boundaries of the city. For the initial election, following
7 the referendum approving the creation of the city, candidates
8 for office shall qualify as provided in section 3.02(1) and
9 section 5.03 where that section does not conflict with section
10 3.02. Thereafter, candidates shall qualify as provided in
11 sections 3.01 and 5.03.

12 (4) The term of office for council shall be 4 years,
13 except that, in order to provide for the staggering of terms,
14 the initial term of office for the council members shall be as
15 outlined in section 3.02. No person elected as council member
16 shall be able to serve more than two full consecutive terms.
17 Each council member shall remain in office until his/her
18 successor is elected and assumes the duties of the position.

19 (5) At all elections for council, those persons
20 certified as duly elected by the election supervisor shall
21 take office at noon on the Monday following their election.

22 Section 3.02 Initial Election.--

23 (1) The initial election for council shall be by mail
24 ballot and occur within 70 days from the date of voter
25 approval of the charter referendum.

26 (2) Qualifying for office.--At the initial election to
27 be held under this charter, persons wishing to qualify for the
28 initial election of council members shall simply designate the
29 office sought as "council."

30 (a) Qualifying petitions shall be obtained from and
31 returned to the Supervisor of Elections.

1 (b) To become a qualified candidate, petitions shall
2 contain valid signatures of city voters equal to 1 percent of
3 the total number of city electors registered in the last
4 general election.

5 (c) The qualifying period shall commence at noon on
6 the day following voter approval of the charter referendum and
7 shall end at noon on the 30th day following voter approval of
8 the charter referendum.

9 (3) Instructions to voters for the initial council
10 election shall be:

11 (a) To "Vote for no more than seven" in the council
12 races.

13 (b) No elector may cast more than one vote for any one
14 candidate.

15 (4) Determination of winners shall be:

16 (a) In the council races, those seven candidates
17 receiving the highest number of votes shall be elected.

18 (b) Those council members elected at such initial
19 election, upon certification of the results of said election
20 by the Supervisor of Elections of Collier County, shall take
21 office at noon on the Monday following their election.

22 (5) At the first council meeting, those initially
23 elected council members shall determine the staggering of
24 terms for reelection as described in paragraphs (a) and (b);
25 one council member shall be elected chairman by the council
26 and shall preside. One council member shall be elected vice
27 chairman by the council.

28 (a) The three council members receiving the highest
29 number of votes shall serve an initial term ending at noon on
30 the Monday following the second Tuesday of March 2000.

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1 (b) The four council members receiving the lowest
2 number of votes shall serve an initial term ending at noon on
3 the Monday following the second Tuesday of March 1998.

4 Section 3.03 Salary of Council.--The salary of each
5 council member, except for the chairman, shall be \$6,000 per
6 year, payable in equal monthly installments. The salary of
7 the chairman shall be \$9,000 per year, payable in equal
8 monthly installments. No increase in the salary of council
9 members shall be effective until after the next election for
10 each office.

11 Section 3.04 Presiding Officer; Chairman; Vice
12 Chairman.--The council shall, at the first regular meeting
13 after each city council election and the annual anniversary
14 thereof, elect one of its own members to be chairman and elect
15 one of its members to be vice chairman for a term of 1 year.
16 The vice chairman shall, in the absence or disability of the
17 chairman, have all the power and prerogative and perform the
18 duties of the chairman. The chairman shall preside at the
19 meetings of the council and shall have a voice and vote in its
20 proceedings. He/she will be the liaison officer between the
21 city council and the city manager and city attorney, except
22 when the council is in session. He/she shall be recognized as
23 head of the city government and by the Governor for purposes
24 of military law.

25 Section 3.05 General Powers and Duties.--All
26 legislative powers of the city shall be vested in the city
27 council, which shall provide for the exercise thereof and for
28 the performance of all duties and obligations imposed on the
29 city by law. The council may delegate to the city manager the
30 power to execute contracts, deeds, and other documents
31 approved by the council, and to represent the city in all

1 agreements with other governmental entities or certifications
2 to other governmental entities.

3 Section 3.06 Prohibitions.--

4 (1) Holding Other Office.--No former elected city
5 official shall hold any compensated appointive city office or
6 city employment until 4 years after the expiration of the term
7 for which he or she was elected.

8 (2) Members of Council Not to Interfere.--No council
9 member shall direct or request the appointment of any person
10 to, or his/her removal from, office by the city manager or by
11 any of his/her subordinates, or in any manner take part in the
12 appointment or removal of officers and employees in the
13 administrative service of the city except as provided in this
14 charter. Except for the purpose of inquiry, the council and
15 its members shall deal with the administrative service solely
16 through the city manager and neither the council nor any
17 member thereof shall give orders to any subordinates of the
18 city manager, either publicly or privately. Any council member
19 violating the provisions of this section shall be subject to
20 recall as herein provided.

21 Section 3.07 Vacancies, Forfeiture of Office, Filling
22 of Vacancies.--

23 (1) Vacancies.--The office of council member shall
24 become vacant upon death, incapacitation due to long-term
25 illness, resignation, removal from office in any manner
26 authorized by general law, or forfeiture of the council
27 member's office.

28 (2) Forfeiture of Office.--The council member shall
29 forfeit office if he or she:

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1 (a) Lacks at any time during the term of office any
2 qualification for the office prescribed by this charter or by
3 general law;

4 (b) Violates any standard of conduct or code of ethics
5 established by general law for public officials; or

6 (c) Is absent from four consecutive regular council
7 meetings without being excused by the council.

8 (3) Filling of Vacancies.--A vacancy in the office of
9 a council member shall be filled as provided by general law,
10 except that if there are 28 months or less of the term
11 remaining, the council shall appoint by 5/7 vote a
12 replacement. If 28 months or more are remaining the vacancy
13 shall be filled at the next regularly scheduled election.

14 (4) Extraordinary Vacancies.--In the event that four
15 or more vacancies occur on the council for whatever reason and
16 by whatever cause, the Governor shall appoint interim council
17 members to fill the vacancies. The newly constituted council
18 shall call a special election as provided in subsection (3).
19 Such election shall be done and the council organized in the
20 same manner as the first election of council members under
21 this charter.

22 Section 3.08 City Manager to Serve as City Clerk.--The
23 city manager shall serve as clerk of the city and shall give
24 notice of council meetings to its members and to the public
25 and shall keep the journal of its proceedings which shall be a
26 public record.

27 Section 3.09 Procedure.--

28 (1) Meetings.--The council shall meet regularly at
29 least once in every month at such times and places as the
30 council may prescribe by rule. Special meetings may be held
31 on the call of the chairman or of a majority of the members

1 and, whenever practicable, upon no less than 24 hour's notice
2 to each member and the public. All meetings shall be public.

3 (2) Rules and Journal.--The council shall determine
4 its own rules and order of business and shall have a journal
5 containing all minutes of meetings.

6 (3) Voting.--Voting, on ordinances and resolutions,
7 shall be by roll call and shall be recorded in the journal. A
8 majority of the council shall constitute a quorum; but a
9 smaller number may recess from time to time and may compel the
10 attendance of absent members in the manner and subject to the
11 penalties prescribed by the rules of the city council. No
12 action of the city council except as otherwise provided herein
13 and in section 3.06 shall be valid or binding unless adopted
14 by the affirmative vote of the majority of all council
15 members. All council members present shall vote on all
16 matters before the city council except on those matters on
17 which a council member announces a conflict of interest or the
18 city attorney determines that there is a conflict of interest.

19 Section 3.10 Ordinances in General.--The procedure for
20 adoption of ordinances shall be as provided by general law.

21 Section 3.11 Emergency Ordinances.--The council may by
22 a five-sevenths vote enact emergency ordinances without
23 complying with the requirements of section 3.10 or section
24 10.04. Every emergency ordinance except emergency
25 appropriations shall become effective immediately and shall
26 automatically stand repealed as of the 61st day following the
27 date on which it was adopted, but this shall not prevent
28 reenactment of the ordinance under regular procedures, or if
29 the emergency continues to exist, in the manner specified in
30 this section. An emergency ordinance may also be repealed by
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1 adoption of a repealing ordinance in the same manner specified
2 in this section for adoption of emergency ordinances.

3 Section 3.12 Budget Adoption.--The council shall by
4 ordinance adopt a balanced annual budget pursuant to general
5 law and section 1.01(5) and section 1.01(6).

6 Section 3.13 Appropriation Amendments During the
7 Fiscal Year.--

8 (1) Supplemental Appropriations.--If during the fiscal
9 year revenues in excess of those estimated in the budget are
10 available for appropriation, the council may make supplemental
11 appropriations for the year up to the amount of such excess.

12 (2) Reduction of Appropriations.--If at any time
13 during the fiscal year it appears probable to the city manager
14 that the revenue available will be insufficient to meet the
15 amount appropriated, he/she shall report to the council
16 without delay, indicating the estimated amount of the deficit,
17 any remedial action taken by him/her and his/her
18 recommendations as to any other steps to be taken. The
19 council shall then take such further action as it deems
20 necessary to prevent any deficit and for that purpose it may
21 reduce one or more appropriations.

22 (3) Limitations, Effective Date.--No appropriation for
23 debt service may be reduced or transferred, and no
24 appropriation may be reduced below any amount required by law
25 to be appropriated or by more than the amount of unencumbered
26 balance thereof. The supplemental and emergency
27 appropriations and reduction or transfer of appropriations
28 authorized by this section may be made effective immediately
29 upon adoption.

30 (4) Transfer of Appropriations.--At any time during
31 the fiscal year the city manager may transfer part or all of

1 any unencumbered appropriation balance among programs within a
2 department, office, or agency and, upon written request by the
3 city manager, the council may transfer part or all of any
4 unencumbered appropriation balance from one department,
5 office, or agency to another.

6 Section 3.14 Authentication, Recording, and
7 Disposition of Charter Amendments, Ordinances and
8 Resolutions.--

9 (1) Authentication.--The chairman and the city manager
10 shall authenticate by their signatures all ordinances and
11 resolutions adopted by the council. In addition, when charter
12 amendments have been approved by the electors, the chairman
13 and the city manager shall authenticate by their signatures
14 the charter amendment, such authentication to reflect the
15 approval of the charter amendment by the electorate.

16 (2) Recording.--The city manager shall keep properly
17 indexed books in which shall be recorded, in full, all
18 ordinances and resolutions passed by the council. Ordinances
19 shall be periodically codified. The city manager shall also
20 maintain the city charter in current form and shall enter all
21 charter amendments and send certified copies of amendments to
22 the Secretary of State.

23 (3) Printing.--The council shall, by ordinance,
24 establish procedures for making all resolutions, ordinances,
25 technical codes adopted by reference, and this charter
26 available to the people of the city for public inspection and
27 available for purchase at a reasonable price.

28 Section 3.15 Codes of Technical Regulations.--The
29 council may adopt any standard code of technical regulations
30 by reference thereto in an adopting ordinance and such
31 ordinance may amend the code. The procedure and requirements

1 governing such an adopting ordinance shall be as prescribed
2 for ordinances generally except that:

3 (1) The requirements of section 3.14 for distribution
4 and filing of copies of the ordinances shall be construed to
5 include copies of the code of technical regulations as well as
6 of the adopting ordinance, and

7 (2) A copy of each adopted code of technical
8 regulations as well as the adopting ordinance shall be
9 authenticated and recorded by the city manager pursuant to
10 section 3.14.

11 Section 3.16 Planning Commission.--There shall be a
12 planning commission advisory to the council. The planning
13 commission shall have such functions and duties as delegated
14 to it by ordinance of the council, which shall include zoning.
15 The planning commission shall consist of no fewer than five
16 unsalaried residents of the city, appointed by the council.

17 ARTICLE IV - ADMINISTRATIVE

18 Section 4.01 City Manager.--There shall be a city
19 manager who shall be the chief administrative officer of the
20 city. The city manager shall be responsible to the council
21 for the administration of all city affairs placed in the
22 manager's charge by or under this charter.

23 Section 4.02 Appointments; Removal; Residency;
24 Compensation.--

25 (1) Appointment.--The council shall appoint a city
26 manager by a vote of five of the seven council members. The
27 city manager shall serve at the will of the council and shall
28 not be given a fixed term by resolution, ordinance, contract,
29 or otherwise.

30 (2) Removal.--The council may remove the city manager
31 for good cause shown, by the affirmative vote of at least four

1 members of the council. Upon request by the city manager, to
2 be made within 5 days after receipt of written notification of
3 such vote, a public hearing shall be held within 10 days after
4 receipt of such request. After such hearing, the council by
5 affirmative vote of at least four council members shall decide
6 whether to reconsider its previous action.

7 (3) Residency.--The manager need not be a resident of
8 the city or state at the time of the manager's appointment but
9 may reside outside the city while in office only with the
10 approval of the council.

11 (4) Compensation.--The compensation of the city
12 manager shall be fixed by the council.

13 Section 4.03 Acting City Manager.--By letter filed
14 with the council, the city manager may designate a qualified
15 city administrative officer to exercise the powers and perform
16 the duties of manager during the city manager's temporary
17 absence or disability, not to exceed a period of 30 days.
18 During such absence or disability, the council may revoke such
19 designation at any time and appoint another officer of the
20 city to serve until the city manager shall return or the city
21 manager's disability shall cease.

22 Section 4.04 Powers and Duties of the City
23 Manager.--The city manager shall:

24 (1) Appoint and, when deemed necessary for the good of
25 the city, suspend or remove any city employees and appointive
26 administrative officers provided for by or under this charter,
27 except as otherwise provided by law, this charter, or
28 personnel rules adopted pursuant to this charter. The city
29 manager may authorize any administrative officer who is
30 subject to the direction and supervision of the city manager
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1 to exercise these powers with respect to subordinates in that
2 officer's department.

3 (2) Direct and supervise the administration of all
4 departments, offices, and agencies of the city, except as
5 otherwise provided by this charter or by law.

6 (3) Attend all council meetings and shall have the
7 right to take part in discussion, but may not vote.

8 (4) See that all laws, provisions of this charter, and
9 acts of the council, subject to enforcement by the city
10 manager or by officers subject to the city manager's direction
11 and supervision, are faithfully executed.

12 (5) Prepare and submit the annual budget, budget
13 message, and capital program to the council in a form provided
14 by ordinance.

15 (6) Submit to the council and make available to the
16 public a complete report on the finances and administrative
17 activities of the city as of the end of each fiscal year.

18 (7) Make such other reports as the council may require
19 concerning the operations of city departments, offices, and
20 agencies subject to his/her direction and supervision.

21 (8) Keep the council fully advised as to the financial
22 condition and future needs of the city and make such
23 recommendations to the council concerning the affairs of the
24 city as he/she deems desirable.

25 (9) Perform such other duties as are specified in this
26 charter or as may be required by the council.

27 Section 4.05 Supervision of Departments.--Except as
28 otherwise provided in this charter or by general law, the city
29 manager shall be responsible for the supervision and direction
30 of all departments, agencies, or offices of the city. All
31 departments, offices, and agencies under the direction and

1 supervision of the manager shall be administered by an officer
2 appointed by and subject to the direction and supervision of
3 the manager. With the consent of council, the manager may
4 serve as the head of one or more such departments, offices, or
5 agencies or may appoint one person as the head of two or more
6 of them. The city manager shall prepare and enforce personnel
7 policies and shall keep such policies current and in
8 conformity with applicable federal and state laws. These
9 policies shall be approved by the city council.

10 Section 4.06 Administrative Code.--The manager shall
11 develop and keep current an administrative code for the
12 purpose of implementing ordinances passed by the council.

13 Section 4.07 City Attorney.--There shall be a city
14 attorney, appointed by the council, who shall serve as chief
15 legal advisor to the council and city administrators and shall
16 represent the city in all legal proceedings and perform such
17 other related duties as the council may deem necessary. The
18 city attorney may be full time or part time or on retainer as
19 the council may deem necessary. If the position of city
20 attorney is full time, the provisions of section 4.02
21 applicable to the city manager shall be equally applicable to
22 the city attorney.

23 ARTICLE V - NOMINATIONS AND ELECTIONS

24 Section 5.01 Electors.--Any person who is a resident
25 of the city, who has qualified as an elector of this state,
26 and who registers in the procedural manner prescribed by
27 general law, shall be an elector of the city.

28 Section 5.02 Nonpartisan Elections.--All nominations
29 and elections for the office of city council member shall be
30 conducted on a nonpartisan basis. There shall be no
31 designation of the political party affiliation of any nominee

1 on any nomination petition or ballot. All candidates for
2 office must have been city residents for at least 1 year
3 immediately prior to qualifying. Elections shall be held on
4 the second Tuesday in March of even-numbered years and shall
5 be by mail ballot except in presidential primary years when
6 the election shall be held concurrently with the state primary
7 election unless the state primary election date is changed
8 from March to another month.

9 Section 5.03 Nominations.--Candidates for the city
10 council seats for which there are vacancies shall be nominated
11 no later than the seventh Tuesday preceding the election, and
12 no sooner than the ninth Tuesday prior to the election.
13 Nominating petitions shall conform to state law. Candidates
14 shall comply with state campaign finance laws. Nominating
15 petitions shall be obtained from and submitted to the city
16 manager. Each petition must contain the candidate's name and
17 the office sought; i.e., City of Marco Island Council Member.
18 Filing of a written petition with the designated city official
19 shall be in the following manner:

20 (1) Any elector of the city may be nominated for
21 election by petition signed by electors of the city not less
22 in number than 1 percent of the number of persons registered
23 in the city at the last general election.

24 (2) The signatures shall be executed in ink. The
25 printed name of the signer, date of signing, and the signer's
26 current street address of residence shall be indicated next to
27 the signature.

28 (3) Each candidate's nominating petition must be
29 accompanied by a certification of the Collier County
30 Supervisor of Elections that the candidate had sufficient
31 petitions signed by qualified voters of the city.

1 Section 5.04 Form of Ballots.--Unless otherwise
2 stipulated by general law, the council by ordinance shall
3 prescribe the form of the ballot. An ordinance or charter
4 amendment to be voted on by the city shall be presented for
5 voting by ballot title. The ballot title of a measure may
6 differ from its legal title and shall be a clear, concise
7 statement describing the substance of the measure without
8 argument or prejudice, followed by the word "Yes" and also the
9 word "No" and shall be styled in such manner that "Yes"
10 indicates approval of the measure and "No" indicates rejection
11 of the measure.

12 Section 5.05 Elections.--

13 (1) The candidates receiving the most votes for the
14 office sought shall be elected.

15 Section 5.06 Canvass of Elections.--For the canvass of
16 votes for any election held pursuant to this charter, except
17 for an election held concurrently with any regular state or
18 countywide election, the canvassing board shall be composed of
19 the chairman or his/her designee if he/she is opposed or
20 incapacitated, the city manager, and the city attorney.

21 ARTICLE VI - INITIATIVE, REFERENDUM, RECALL

22 Section 6.01 Initiative.--The qualified voters of the
23 city shall have the power to propose ordinances to the council
24 and, if the council fails to adopt an ordinance so proposed
25 without any change in substance, to adopt or reject it at a
26 city election, provided that such power shall not extend to
27 the budget or capital program or to any ordinances relating to
28 appropriation of money, levy of taxes, or salaries of city
29 officers or employees.

30 Section 6.02 Referendum.--The qualified voters of the
31 city shall, through the initiative process, have the power to

1 propose or require repeal by the council of any adopted
2 ordinance if the council fails to repeal or amend an ordinance
3 so proposed to approve or reject it at a city election,
4 provided that such ordinance shall not extend to the operating
5 budget or any emergency ordinance relating to appropriation of
6 money, but shall extend to an ordinance providing any single
7 capital expenditure in excess of \$250,000. If the proposed
8 ordinance to repeal an existing city ordinance has met the
9 signature requirements of section 166.031, Florida Statutes,
10 council shall repeal or amend the ordinance rather than place
11 it on the ballot for a vote by the qualified electors.

12 Section 6.03 Recall.--Recall of elected officials
13 shall be as provided for by general law.

14 Section 6.04 Commencement of Proceedings.--Any five
15 qualified voters may commence initiative and referendum
16 proceedings by filing with the city manager or other official
17 designated by the council an affidavit stating they will
18 constitute the petitioner's committee and be responsible for
19 circulating the petition and filing it in proper form, stating
20 their names and addresses and specifying the address to which
21 all notices to the committee are to be sent, and setting out
22 in full the proposed initiative ordinance or citing the
23 ordinance sought to be reconsidered. Promptly after the
24 affidavit of the petitioner's committee is filed, the city
25 manager or other official designated by the council shall, at
26 the committee's request, issue the appropriate petition blanks
27 to the petitioner's committee at the committee's expense.

28 Section 6.05 Petition.--

29 (1) Number of Signatures.--Initiative and referendum
30 petitions must be signed by qualified voters of the city equal

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1 in number to at least 10 percent of the total number of
2 qualified voters as of the last regular city election.

3 (2) Form and Content.--All papers of a petition shall
4 be uniform in size and style and shall be assembled as one
5 instrument for filing. Each signature shall be followed by
6 the printed name and current street address of the person
7 signing and the date on which the petition was signed.
8 Petitions shall contain or have attached thereto throughout
9 their circulation the full text of the ordinance proposed or
10 sought to be reconsidered. Petitions must be accompanied by
11 certification of the Collier County Supervisor of Elections as
12 to the number of petitions signed by qualified voters of the
13 city. There can be only one signature per petition form.

14 (3) Time for Filing Referendum Petitions.--Referendum
15 petitions must be filed within 45 days after adoption by the
16 council of the ordinance sought to be reconsidered.

17 Section 6.06 Procedure for Filing.--

18 (1) Process for Petitioning.--City initiative petition
19 proceedings shall commence only after petitioners have filed
20 appropriate papers with the City Manager forming a political
21 action committee as required by the general election laws of
22 the State of Florida. The format and content of the petition
23 to be circulated shall conform to the requirements of general
24 law for amending municipal charters and the general election
25 laws and administrative rules for initiative petitions. Prior
26 to circulation of any petition, it shall be submitted to the
27 City Attorney for review of the petition's format for
28 technical sufficiency. The City Attorney shall provide
29 written comment of that review within seven (7) days. No
30 review as to the legal sufficiency of the proposed amendment's
31 text is to be undertaken by the City Attorney. The number of

1 valid voter signatures are as provided in section 166.031,
2 Florida Statutes. Petitions for amendments of the city
3 charter or proposing ordinances for the city shall be received
4 and considered by council only if accompanied by a certificate
5 from the county's supervisor of elections as to the number of
6 valid city electors thereon.

7 (2) Within twenty business days after certification of
8 the registered voters is received from the supervisor of
9 elections, the city manager or other official designated by
10 the council shall complete a certificate as to its
11 sufficiency, or, if it is insufficient, specifying the
12 particulars wherein it is defective, and shall promptly send a
13 copy of the certificate to the petitioner's committee by
14 registered mail. Grounds for insufficiency are only those
15 specified in section 6.05. No petitions shall be circulated
16 which are deficient as to form or compliance with section 6.05
17 pursuant to the written review by the City Attorney in
18 subsection (1) of this section. If the number of signatures
19 is insufficient, the council shall notify the committee filing
20 the petition and allow 30 additional days for filing of
21 additional petition papers, at the end of which time the
22 sufficiency or insufficiency of the petition shall be finally
23 determined.

24 Section 6.07 Referendum Petition; Suspension of Effect
25 of Ordinance.--When a referendum petition is filed with the
26 city manager or other official designated by the council and
27 deemed sufficient, the ordinance sought to be reconsidered
28 shall be suspended from taking effect. Such suspension shall
29 terminate when:

- 30 (1) The petitioner's committee withdraws the petition;
31 (2) The council repeals the ordinance; or

1 (3) After a vote of the city electors on the ordinance
2 has been certified.

3 Section 6.08 Action on Petitions.--

4 (1) Action by Council.--Once the certification of
5 valid city electors is received, council shall take
6 appropriate action addressing the sufficiency of the petition
7 pursuant to section 166.031, Florida Statutes. If the
8 petition is sufficient, council shall schedule the item for an
9 election or, if appropriate under section 6.02 of this
10 charter, council may repeal or amend an existing ordinance
11 thereby negating the need for an election. The council, in
12 its discretion, may schedule the matter at either the next
13 city election or a special election. If the petition is to
14 repeal an ordinance, council shall determine whether or not to
15 repeal or amend the existing ordinance at the next regularly
16 scheduled council meeting following the determination of
17 petition sufficiency. If council, in its discretion,
18 determines not to amend or repeal the ordinance petitioned for
19 repeal, a special election shall be called not less than
20 ninety (90) days from the date of determination of petition
21 sufficiency. The special election on the repeal of an
22 ordinance shall be by mail ballot unless such election can be
23 scheduled concurrently with a city, county, state, or federal
24 election occurring within that time period.

25 (2) Submission to Voters.--If council decides a
26 special election is to be held, it shall be conducted by mail
27 ballot not less than ninety (90) days from the date of
28 council's determination of the need for a special election if
29 there is no intervening city, county, state or federal
30 election on which this matter could be placed. Passage of the
31 times provided in subsection (1) without action by the council

1 shall be considered rejection, refusal, or declination.
2 Copies of the proposed ordinance shall be made available to
3 the voters--either at the polls or by mail ballot, whichever
4 is appropriate. Any petition rejected by the voters may not be
5 submitted again for one year. If repeal of a law is rejected
6 by the voters, the law shall not again be suspended until
7 repeal is supported by the voters or the council repeals it.

8 (3) Withdrawal of Petitions.--An initiative or
9 referendum petition may be withdrawn at any time prior to the
10 fortieth day preceding the day scheduled for a vote of the
11 city by filing with the city manager or other official
12 designated by the council a request for withdrawal signed by
13 at least four members of the petitioner's committee. Upon the
14 filing of such request, the petition shall have no further
15 force or effect and all proceedings thereon shall be
16 terminated. Any and all costs, including labor, associated
17 with the preparation and acquisition of supplies for the
18 conduct of an election scheduled, but subsequently canceled
19 because of the withdrawal of the petition, shall be reimbursed
20 by the city to the supervisor of elections in full.

21 Section 6.09 Results of Election.--

22 (1) Initiative.--If a majority of the qualified
23 electors voting on a proposed initiative ordinance vote in its
24 favor, it shall be considered adopted upon certification of
25 the election results and shall be treated in all respects in
26 the same manner as ordinances of the same kind adopted by the
27 council. If conflicting ordinances are approved at the same
28 election, the one receiving the greatest number of affirmative
29 votes shall prevail to the extent of such conflict.

30 (2) Referendum.--If a majority of the qualified
31 electors voting on a referred ordinance vote against it, it

1 shall be considered repealed upon certification of the
2 election results.

3 ARTICLE VII - GENERAL PROVISION

4 Section 7.01 Charter Amendment.--This charter may be
5 amended in accordance with the provisions for charter
6 amendments as specified in the Municipal Home Rules Powers
7 Act., ch. 166, Florida Statutes, as the same may be amended
8 from time to time or its successor, or as may otherwise be
9 provided by general law.

10 Section 7.02 Code of Ethics.--

11 (1) Public officers, employees, members of licensing
12 or advisory boards, and candidates shall conform to the "Code
13 of Ethics for Public Officials and Employees," Part III of
14 chapter 112, Florida Statutes.

15 (2) Public officers shall file Form 1 with the Collier
16 County Supervisor of Elections annually by July 1. Candidates
17 shall file Form 1 along with their qualification documents.
18 Employees and members of licensing or advisory boards shall
19 file Form 1 annually by July 1 if required by state law.
20 Persons such as attorneys, engineers, certified public
21 accountants, and the like, serving the city under contract,
22 full or part time, shall file Form 1 and Form 3 annually by
23 July 1. In the event that the Florida Code of Ethics is
24 amended or the forms changed, this Code of Ethics would comply
25 with the updated version.

26 Section 7.03 Transitional Comprehensive Plan and Land
27 Development Regulations.--

28 (1) Until such time as the city adopts a comprehensive
29 plan, the applicable provisions of the comprehensive plan of
30 Collier County, Florida, as the same exists on the day the
31 city commences corporate existence, shall remain in effect as

1 the city's transitional comprehensive plan. However, all
2 planning functions, duties, and authority shall thereafter be
3 vested in the city council of Marco Island, which shall be
4 deemed the local planning agency until the council establishes
5 a separate local planning agency.

6 (2) All powers and duties of the Collier County
7 Planning Commission and any Board of Adjustment and Appeals
8 created pursuant to statutes, trade codes, and County
9 Commission of Collier County, Florida, as set forth in these
10 transitional zoning and land use regulations, shall be vested
11 in the city council of Marco Island until such times as the
12 city council delegates all or a portion thereof to another
13 entity.

14 (3) Subsequent to the commencement of the city's
15 corporate existence, no amendment of the comprehensive plan or
16 land development regulations enacted by the Collier County
17 Commission shall be deemed as an amendment of the city's
18 transitional comprehensive plan or land development
19 regulations or shall otherwise take effect within the city's
20 corporate limits unless approved by the city council.

21 Section 7.04 Legislation Review.--The council shall
22 review during and within each even-decade year the city
23 charter, the city ordinances and the city resolutions then in
24 existence. Following such review it shall take such action as
25 may be in the best interests of the city in accordance with
26 the provisions of this charter. Nothing herein shall
27 invalidate any charter provision, ordinance, or resolution
28 then in effect.

29 Section 7.05 Penalties.--Violations of ordinances
30 shall be punishable in accordance with the uniform fines and
31 penalties set by general law.

1 Section 7.06 Severability.--If any article, section,
2 subsection, sentence, clause, or provision of this charter or
3 the application thereof shall be held invalid for any reason,
4 the remainder of the charter and of any ordinances or
5 regulations made thereunder shall remain in full force and
6 effect.

7 ARTICLE VIII - MARCO ISLAND FIRE CONTROL DISTRICT

8 Section 8.01 Dissolution.--Upon the effective date of
9 this charter, the Marco Island Fire Control District, an
10 independent special district created by a special act of the
11 Legislature, shall cease to exist, and chapter 65-1413, Laws
12 of Florida, as amended, is repealed; however, it shall
13 continue to operate and function as normal until council
14 members have been elected and decide to alter responsibilities
15 or functions. From that date forward, the city shall have,
16 exercise, and enjoy all rights, immunities, powers, benefits,
17 privileges, and franchises now and formerly possessed or held
18 by said Marco Island Fire Control District.

19 Section 8.02 Transfer of Assets.--The assets,
20 liabilities, and contracts of the Marco Island Fire Control
21 District, including all rights, obligations, duties, and
22 relationships now existing by law or agreement, including
23 responsibility to provide fire protection service to the area
24 of Marco Island known as Goodland, shall be unaffected and
25 shall remain in full force and effect and shall become those
26 of the City of Marco Island. All rights, claims, actions,
27 orders, and all contracts between the special district and
28 district personnel, and all legal or administrative
29 proceedings involving the district, shall continue in full
30 force and effect under the jurisdiction of the City of Marco
31 Island.

1 Section 8.03 Transfer of Resolutions and Policies.--To
2 the extent not inconsistent with this charter, all resolutions
3 and policies of the Marco Island Fire Control District shall
4 remain in effect until amended, revised, or repealed by the
5 city council.

6 Section 8.04 Transfer of Services.--Fire protection
7 services to the area formerly served by the Marco Island Fire
8 Control District shall thereafter be a function of the City of
9 Marco Island. Service to the area known as Goodland, outside
10 the boundaries of the city, will be provided in accordance
11 with an intergovernmental agreement with Collier County.

12 Section 8.05 Transfer of Personnel.--Employees of the
13 Fire Control District shall become employees of the city, and
14 all rights as to vacation, sick leave, pay grades, retirement,
15 insurance, and similar personnel benefits shall be preserved
16 until such time as rules, regulations, and personnel
17 procedures have been established by the city.

18 Section 8.06 Establishment of Advisory Board.--Those
19 elected Fire Commissioners of the Marco Island Fire Control
20 District currently in office shall continue as an advisory
21 board of the city until the expiration of their terms of
22 office.

23 Section 8.07 Further Provisions by Ordinance.--Such
24 further provisions as are deemed necessary to effect this
25 transition and to provide for the operation of the Marco
26 Island Fire Department shall be provided by ordinance.

27 ARTICLE IX - STATE-SHARED REVENUES

28 Section 9.01 City Participation in State-Shared
29 Revenues Programs.--The City of Marco Island shall be entitled
30 to participate in the State of Florida Shared Revenues
31 Programs and qualify as provided in chapter 218, Florida

1 Statutes, for all similar programs effective on July 1, 1997.
2 Initial population for purposes of these programs shall be
3 determined by the University of Florida Bureau of Economic and
4 Business Research. Should the bureau be unable to provide an
5 appropriate population estimate, a Collier County Department
6 of Community Development estimate shall be utilized.

7 ARTICLE X - TRANSITION SCHEDULE

8 Section 10.01 Referendum.--The referendum election
9 called for by this act shall be held within 120 days after
10 approval by the State Legislature and, in any case, no later
11 than September 1, 1997, at which time the following question
12 shall be placed on the mail ballot:

13 "Shall HB _____, as enacted by the 1997 Legislature
14 creating a City of Marco Island and providing for
15 its Charter, be approved?"

16 In the event this question is answered affirmatively by a
17 majority of the voters voting in the referendum, the
18 provisions of this charter shall take effect in accordance
19 with this transition schedule.

20 Section 10.02 Council Election.--The timing and
21 schedule for the initial election is described in section
22 3.02. The expense of such election shall be repaid by the
23 city within 12 months.

24 Section 10.03 Schedule.--

25 (1) First Council Meeting.--The organizational meeting
26 shall be held on the first Tuesday following the election at
27 9:00 a.m. at the Frank Mackle Community Park, Marco Island.
28 The city council shall organize in accordance with the
29 provisions of Article III of this charter.

30 (2) The newly elected council members will promptly
31 appoint an acting city attorney.

1 (3) Terms of Office of First Council.--Council members
2 elected pursuant to this section shall hold office until their
3 successors are elected in the elections for city offices
4 called, pursuant to section 3.01.

5 Section 10.04 First-Year Expenses.--The city council,
6 in order to provide moneys for the expenses and support of the
7 city until such times as a budget is adopted and revenues are
8 raised in accordance with provisions of this charter, shall
9 have the power and authority to borrow money by resolution of
10 the city council upon notes or other obligations of the city;
11 but in no event shall such borrowings exceed \$750,000.

12 Section 10.05 Transition Ordinances.--The council
13 shall adopt ordinances and resolutions required to effect the
14 transition. Ordinances adopted within 60 days of the first
15 council meeting under this charter for the purpose of
16 facilitating the transition may be passed as emergency
17 ordinances following the procedures in Article III, except
18 that transition ordinances shall be effective for up to 90
19 days after enactment. Thereafter, such ordinances may be
20 readopted, renewed, or otherwise continued only in the manner
21 prescribed for normal ordinances in Article III.

22 Section 10.06 County Ordinances and Services During
23 Transition Period.--

24 (1) Pursuant to Article VIII of the Florida
25 Constitution, the ordinances, rules, and regulations of
26 Collier County shall continue to be in effect within the
27 boundaries of the City of Marco Island, except that a county
28 ordinance, rule, or regulation in conflict with an ordinance,
29 rule, or regulation of the City of Marco Island shall not be
30 effective to the extent of such conflict. Any existing Collier
31 County ordinances, rules, and regulations, as of the date this

1 charter is approved, shall not be altered, changed, rescinded,
2 or added to, nor shall any variance be granted thereto insofar
3 as such action would affect the City of Marco Island, without
4 the approval of the city council. Collier County is
5 authorized to continue to provide all Municipal Service Taxing
6 District ("MSTD") and/or Municipal Service Taxing Unit
7 ("MSTU") services budgeted to be provided, as of the date this
8 charter is approved, unless the city council of Marco Island
9 votes to terminate any or all such services.

10 (2) If the city council of Marco Island terminates any
11 MSTD and/or MSTU service, from that date forward, the city
12 shall have, exercise, and enjoy all rights, immunities,
13 powers, benefits, privileges, and franchises now and formerly
14 possessed or held by said MSTD and/or MSTU. The assets,
15 liabilities, and contracts of said MSTD and/or MSTU, including
16 all rights, obligations, duties, and relationships now
17 existing by law or agreement, shall be unaffected and shall
18 remain in full force and effect and shall become those of the
19 City of Marco Island. All rights, claims, actions, orders,
20 and all contracts between the terminated MSTD and/or MSTU and
21 key personnel, and all legal or administrative proceedings,
22 shall continue in full force and effect under the jurisdiction
23 of the City of Marco Island. To the extent not inconsistent
24 with this charter, all resolutions and policies of the
25 terminated MSTD and/or MSTU shall remain in effect until
26 amended, revised, or repealed by the city council.

27 Section 10.07 Effect of Incorporation on Certain
28 Existing Indebtedness.--Nothing in this act shall affect the
29 obligation of the city, or any property owners therein, for
30 their rightful share of any indebtedness incurred through the
31 Collier County Public Park and Recreation Municipal Service

1 Taxing Unit or the Marco Water and Sewer District in existence
2 and legally due as of the date of incorporation.

3 Section 10.08 Deletion of Obsolete Schedule
4 Items.--The council shall have power, by resolution, to delete
5 from this Article any section, including this one, when all
6 events to which the section to be deleted is or could become
7 applicable have occurred.

8 Section 10.09 This act shall take effect upon approval
9 of a majority of the registered electors residing within the
10 proposed corporate limit and voting in a referendum election
11 as provided in section 10.01, except that section 10.01 and
12 this section shall take effect upon becoming a law.

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