

**CITY OF MARCO ISLAND
ORDINANCE NO. 01-07**

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE EXISTING MARCO ISLAND CITY CHARTER TO BE ADOPTED ONLY THROUGH REFERENDUM ELECTION BY THE ELECTORATE ON JULY 10, 2001; PROVIDING THAT THE PROPOSED CHARTER SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY OF MARCO ISLAND THROUGH A MAIL BALLOT ELECTION ON JULY 10 2001; PROVIDING LANGUAGE FOR THE BALLOT; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the State Constitution and Chapter 166 of the Florida Statutes, provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Section 7.01 of the Charter of the City of Marco Island provides that the Charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rules Powers Act, Chapter 166, Florida Statutes, as the same may be amended from time to time, or its successor, or as may otherwise be provided by general law; and

WHEREAS, the Municipal Home Rule Powers Act, Chapter 166, Florida Statutes, provides that the governing body of a municipality may, by ordinance, submit to the electors of said municipality a proposed amendment to its charter, which amendment may be to any part or to all of said charter except the part describing the boundaries of such municipality, and that the governing body shall place the proposed amendment contained in the ordinance to a vote of the electors at the next general election held within the municipality; and

WHEREAS, Section 101.161, Florida Statutes, provides the form and content for referenda ballots;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Marco Island, Florida:

Section 1. Approval of Amendments to the City Charter.

The proposed amended City Charter, attached hereto and incorporated herein as Exhibit "A", is hereby approved.

Section 2. Vote of Electors by a Mail Ballot Election.

The proposed Amendment to the City Charter shall be submitted to a vote of the electors of Marco Island by a mail ballot election scheduled for July 10, 2001.

Section 3. Language on the Ballot.

The ballot to be used in said referendum election shall be in the following form:

**REFERENDUM ELECTION ON A PROPOSED AMENDMENT
TO THE MARCO ISLAND CITY CHARTER**

The City Charter provides that operating expenditures shall be limited to an increase from the prior year's expenditures of three percent (3%) plus the C.O.L.A. following the third full year of incorporation. Shall the Charter be amended to remove this provision?

YES _____

NO _____

Section 4. Incorporation, Conflict and Severability

- (1) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or other appropriate word.
- (2) All sections or parts of sections of the Code of Laws and Ordinances of Collier County, Florida, all Collier County Ordinances or parts of ordinances and all Collier County Resolutions or parts of resolutions made applicable by the City Charter in conflict herewith are hereby repealed to the extent of such conflict.
- (3) If any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid by a court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of the Ordinance.

Section 5. Effective Date.

This Ordinance shall take effect immediately upon adoption by the Marco Island City Council; provided, however, that the proposed charter amendment shall be

effective only upon, and immediately upon approval by the voters at the referendum election to be held on July 10, 2001, in accordance with the provisions of Section 166.031, Florida Statutes.

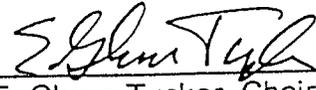
Passed in open and regular session of the City Council of the City of Marco Island, Florida, this 2nd day of April, 2001.

Attest:



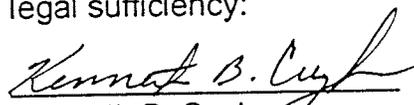
A. William Moss
City Manager/City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

E. Glenn Tucker, Chairman

Approved as to form and
legal sufficiency:



Kenneth B. Cuyler
City Attorney

EXHIBIT "A"

PART I

CHARTER*

Article I. Powers

- Sec. 1.01. Powers of the City of Marco Island.
- Sec. 1.02. Construction of Powers.
- Sec. 1.03. Intergovernmental Relations.
- Sec. 1.04. Elections.
- Sec. 1.05. Administrative Code.

Article II. Corporate Limits

- Sec. 2.01. Description of Corporate Limits.

Article III. Legislative

- Sec. 3.01. City Council; Composition; Qualifications of Council.
- Sec. 3.02. Initial Election.
- Sec. 3.03. Salary of Council.
- Sec. 3.04. Presiding Officer; Chairman; Vice-Chairman.
- Sec. 3.05. General Powers and Duties.
- Sec. 3.06. Prohibitions.
- Sec. 3.07. Vacancies, Forfeiture of Office, Filling of Vacancies.
- Sec. 3.08. City Manager to Serve as City Clerk.
- Sec. 3.09. Procedure.
- Sec. 3.10. Ordinances in General.
- Sec. 3.11. Emergency Ordinances.
- Sec. 3.12. Budget Adoption.
- Sec. 3.13. Appropriation Amendments During the Fiscal Year.
- Sec. 3.14. Authentication, Recording, and Disposition of Charter Amendments, Ordinances and Resolutions.
- Sec. 3.15. Codes of Technical Regulations.
- Sec. 3.16. Planning Commission.

Article IV. Administrative

- Sec. 4.01. City Manager.
- Sec. 4.02. Appointments; Removal; Residency; Compensation.
- Sec. 4.03. Acting City Manager.
- Sec. 4.04. Powers and Duties of the City Manager.

*Editor's note—Printed herein in the Charter of the city, as adopted by Laws of Fla. ch. 97-367. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

State law reference—Municipal Home Rule Powers Act, F.S. ch. 166.

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- Sec. 4.05. Supervision of Departments.
- Sec. 4.06. Administrative Code.
- Sec. 4.07. City Attorney.

Article V. Nominations and Elections

- Sec. 5.01. Electors.
- Sec. 5.02. Nonpartisan Elections.
- Sec. 5.03. Nominations.
- Sec. 5.04. Form of Ballots.
- Sec. 5.05. Elections.
- Sec. 5.06. Canvass of Elections.

Article VI. Initiative, Referendum, Recall

- Sec. 6.01. Initiative.
- Sec. 6.02. Referendum.
- Sec. 6.03. Recall.
- Sec. 6.04. Commencement of Proceedings.
- Sec. 6.05. Petition.
- Sec. 6.06. Procedure for Filing.
- Sec. 6.07. Referendum Petition; Suspension of Effect of Ordinance.
- Sec. 6.08. Action on Petitions.
- Sec. 6.09. Results of Election.

Article VII. General Provision

- Sec. 7.01. Charter Amendment.
- Sec. 7.02. Code of Ethics.
- Sec. 7.03. Transitional Comprehensive Plan and Land Development Regulations.
- Sec. 7.04. Legislation Review.
- Sec. 7.05. Penalties.
- Sec. 7.06. Severability.

Article VIII. Marco Island Fire Control District

- Sec. 8.01. Dissolution.
- Sec. 8.02. Transfer of Assets.
- Sec. 8.03. Transfer of Resolutions and Policies.
- Sec. 8.04. Transfer of Services.
- Sec. 8.05. Transfer of Personnel.
- Sec. 8.06. Establishment of Advisory Board.
- Sec. 8.07. Further Provisions by Ordinance.

Article IX. State-Shared Revenues and Local Option Gas Taxes

- Sec. 9.01. City Participation in State-Shared Revenues Programs and Local Option Gas Taxes.

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Article X. Transition Schedule

- Sec. 10.01. Referendum.
- Sec. 10.02. Council Election.
- Sec. 10.03. Schedule.
- Sec. 10.04. First-Year Expenses.
- Sec. 10.05. Transition Ordinances.
- Sec. 10.06. County Ordinances and Services During Transition Period.
- Sec. 10.07. Effect of Incorporation on Certain Existing Indebtedness.
- Sec. 10.08. Deletion of Obsolete Schedule Items.
- Sec. 10.09. [Effective date.]

An act relating to Collier County; establishing and organizing a municipality to be known and designated as the City of Marco Island; defining territorial boundaries; providing for government, jurisdiction, elections, administrative code, procedure, powers, franchises, immunities, privileges, and means for exercising the same; prescribing the general powers to be exercised by said city; providing prohibitions; providing procedures; providing procedures for filling vacancies in office; providing for a city council, city manager, and city attorney; providing for an initial election; providing for ordinances; providing for budget adoption; providing for amendments to the city charter; providing for referendum petitions; providing severability; providing for dissolution of the Marco Island Fire Control District; providing for participation in state-shared revenue programs and local option gas taxes; providing for a referendum; providing a transition schedule; providing for county ordinances and services during transition period; providing effective dates.

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

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

ARTICLE I. POWERS*

Section 1.01. Powers of the City of Marco Island.

The city known as Marco Island shall have all powers possible for a city to have under the constitution and laws of the state as fully and completely as though they were specifically enumerated in this charter unless prohibited by or contrary to the provisions of this charter; and in addition to the foregoing and not by way of limitation, the city shall have the following powers:

- (1) To organize and regulate its internal affairs and to establish, alter, abolish, and terminate, such termination to be only for cause, offices, positions, and employments, including citizen board positions, and to define functions, powers, and duties, and fix their term, tenure, and compensation.
- (2) To adopt, amend, and repeal such ordinances, resolutions, and codes as may be required for the good government of the city, including local police ordinances carrying penalties, zoning ordinances, housing codes, building and related technical codes, business regulations, and ordinances relating to and regulating the sale of alcoholic beverages.
- (3) To prepare and adopt comprehensive plans for the development of the city, including provision for subdivision regulation, environmental protection, pollution control,

*State law reference—Home rule powers generally, F.S. § 166.021.

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community facilities, and all other related activities, including growth management. The principles of Deltona's development plan for Marco Island shall be a guide in the development of zoning regulations for the City of Marco Island.

- (4) To sue and be sued; to have a corporate seal; to contract and be contracted with; to buy, receive by gift or devise, sell, lease, hold, and dispose of real and personal property for any public purpose; to have the power of eminent domain and to acquire by condemnation or otherwise all private lands, riparian and other rights, necessary for public purposes and improvements.
- (5) To raise funds by taxation and to make such levy upon the taxable property in the City of Marco Island as will provide funds necessary for the operation of the city and for such other purposes as may be provided in general law, pursuant to the general laws of Florida.
- (6) To appropriate and expend money for any public purpose. ~~Operating expenditures shall be limited to an increase from the prior year's expenditures of three percent (3%) plus the then current Federal C.O.L.A. (Department of Labor, Bureau of Statistics, Consumer Price Index) per annum following the third full year of incorporation; except that this shall not apply to expenditures under section 3.11, and shall not apply to capital expenditures as provided in section 6.02.~~
- (7) To borrow money for public purposes.
- (8) To levy special or local assessments for local improvements and to hold liens for public improvements.
- (9) To license and tax privileges, businesses, occupations, and professions carried on and engaged in within the corporate limits of the city and to classify and define such privileges, businesses, occupations, and professions for the purpose of taxation.
- (10) To do and perform all other acts as seem necessary and best adapted to the improvement and general interest of the city, and the protection of the health, life, and property of the city and its inhabitants, not contrary to the laws of Florida.

Section 1.02. Construction of Powers.

- (1) The powers of the city under this charter shall be construed liberally in favor of the city.
- (2) The charter of the city may be revoked in accordance with the dissolution procedure of F.S. ch. 165.

Section 1.03. Intergovernmental Relations.

The city may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more other municipalities, state or local governments or civil divisions or agencies thereof or the United States Government or any agency thereof.

State law reference—Intergovernmental programs, F.S. ch. 163.

Section 1.04. Elections.

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

State law reference—Florida election code, F.S. ch. 97 et seq.

Section 1.05. Administrative Code.

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

ARTICLE II. CORPORATE LIMITS***Section 2.01. Description of Corporate Limits.**

The following shall constitute the Corporate Limits of the City of Marco Island:

A Corporate Line lying offshore from Marco Island, in portions of Township 52 South, Range 26 East, Collier County, Florida, which line is described as follows: From the corner common to Sections 17, 18, 19, and 20, Township 52 South, Range 26 East, run Westerly along the line common to said Sections 18 and 19 to a point 2,640 feet offshore in the Gulf of Mexico from the Mean High Tide Line Section 18 and the point of beginning. From said point of beginning, run Southerly 2,640 feet offshore from the Mean High Tide Line of Marco Island, past the Southerly point of said Island to the mouth of Caxambas Pass, thence run Northeasterly in the waters of Caxambas Pass to the center line of the channel of said Caxambas Pass; thence run Easterly along the centerline of the channel of Caxambas Pass, to a point intersecting a marked channel running Northerly towards Barfield Bay; thence run Northerly along the centerline of said channel to a point 300 feet offshore in Barfield Bay from the Mean High Tide Line of the Easterly end of lands formerly known as J.M. Barfield Subdivision, thence run Northerly, Easterly, and Southerly, 300 feet offshore in Barfield Bay from the Mean High Tide Line of Marco Island to intersection with the centerline of Blue Hill Creek; thence run Southeasterly along the centerline of Blue Hill Creek to a point 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island; thence continue Northerly, Easterly, and Southerly 300 feet offshore in Blue Hill Bay from the Mean High Tide Line of Marco Island to centerline of the aforementioned Blue Hill

*State law reference—Municipal annexation or contraction, F.S. ch. 171.

Creek, thence run Northeasterly along the centerline of Blue Hill Creek, but to a point intersecting the line common to Range 26 East and Range 27 East, Township 52 South, Collier County, Florida; thence run Northerly along the line common to said Range 26 and 27, but to a point intersecting the centerline of the channel of the Big Marco River, thence Northerly, Northwesterly, and Westerly along the centerline of the aforementioned Big Marco River and out through the marked Capri Pass, being 2,640 feet offshore from the Mean High Tide Line of Marco Island; thence run Southwesterly, Southerly, and Southeast-erly 2,640 feet offshore from the Mean High Tide Line of Marco Island to the point of Beginning lying along the East-West line common to Sections 18 and 19, Township 52 South; Range 26 East.

ARTICLE III. LEGISLATIVE

Section 3.01. City Council; Composition; Qualifications of Council.

- (1) There shall be a seven-member city council, elected from and representing the city at-large.
- (2) If at any time subsequent to the initial election, the electorate and/or the city council conclude that the demographics of the city warrant that some of the city council seats should represent certain city districts while still being voted on by all the city electors, such changes can be effected as provided for in the Municipal Home Rule Powers Act, F.S. ch. 166, or as provided for in section 6.01 and section 7.01 of this charter.
- (3) To qualify for office:
 - (a) Each individual seeking to qualify as a candidate for a seat on the council shall submit a petition supporting his/her candidacy to the city manager (or, for the initial election, to the Supervisor of Elections of Collier County) containing valid signatures of city electors equal to 1 percent of the number of city electors registered in the last general election for the respective office sought.
 - (b) Each candidate for the office of city council shall be a qualified elector of the city as provided in section 5.01.
 - (c) Each candidate for city council office shall have been a resident of the city for a minimum period of 1 year prior to qualifying for office.
 - (d) If elected, the council members shall maintain residency throughout his/her term of office within the boundaries of the city. For the initial election, following the referendum approving the creation of the city, candidates for office shall qualify as provided in section 3.02(1) and section 5.03 where that section does not conflict with section 3.02. Thereafter, candidates shall qualify as provided in sections 3.01 and 5.03.

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

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

Section 3.02. Initial Election.

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

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

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

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

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

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

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

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

(4) Determination of winners shall be:

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

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

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

(a) The three council members receiving the highest number of votes shall serve an initial term ending at noon on the Monday following the second Tuesday of March 2002.

- (b) The four council members receiving the lowest number of votes shall serve an initial term ending at noon on the Monday following the second Tuesday of March 2000.

Section 3.03. Salary of Council.

The salary of each council member, except for the chairman, shall be \$6,000 per year, payable in equal monthly installments. The salary of the chairman shall be \$9,000 per year, payable in equal monthly installments. No increase in the salary of council members shall be effective until after the next election for each office.

Section 3.04. Presiding Officer; Chairman; Vice-Chairman.

The council shall, at the first regular meeting after each city council election and the annual anniversary thereof, elect one of its own members to be chairman and elect one of its members to be vice chairman for a term of one (1) year. The vice-chairman shall, in the absence or disability of the chairman, have all the power and prerogative and perform the duties of the chairman. The chairman shall preside at the meetings of the council and shall have a voice and vote in its proceedings. He/she will be the liaison officer between the city council and the city manager and city attorney, except when the council is in session. He/she shall be recognized as head of the city government and by the Governor for purposes of military law.

Section 3.05. General Powers and Duties.

All legislative powers of the city shall be vested in the city council, which shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law. The council may delegate to the city manager the power to execute contracts, deeds, and other documents approved by the council, and to represent the city in all agreements with other governmental entities or certifications to other governmental entities.

Section 3.06. Prohibitions.

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

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

Section 3.07. Vacancies, Forfeiture of Office, Filling of Vacancies.

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

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

- (a) Lacks at any time during the term of office any qualification for the office prescribed by this charter or by general law;
- (b) Violates any standard of conduct or code of ethics established by general law for public officials; or
- (c) Is absent from four consecutive regular council meetings without being excused by the council.

(3) *Filling of Vacancies.* A vacancy in the office of a council member shall be filled as provided by general law, except that if there are 28 months or less of the term remaining, the council shall appoint by $\frac{5}{7}$ vote a replacement. If 28 months or more are remaining the vacancy shall be filled at the next regularly scheduled election.

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

State law reference—Mandate to provide procedure for filling vacancies, F.S. § 166.031(6).

Section 3.08. City Manager to Serve as City Clerk.

The city manager shall serve as clerk of the city and shall give notice of council meetings to its members and to the public and shall keep the journal of its proceedings which shall be a public record.

Section 3.09. Procedure.

(1) *Meetings.* The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the chairman or of a majority of the members and, whenever practicable, upon no less than 24 hours' notice to each member and the public. All meetings shall be public.

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

(3) *Voting.* Voting, on ordinances and resolutions, shall be by roll call and shall be recorded in the journal. A majority of the council shall constitute a quorum; but a smaller number may recess from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the city council. No action of the city council except as otherwise provided herein and in section 3.06 shall be valid or binding unless

adopted by the affirmative vote of the majority of all council members. All council members present shall vote on all matters before the city council except on those matters on which a council member announces a conflict of interest or the city attorney determines that there is a conflict of interest.

State law references—Public records, F.S. ch. 119; public meetings and records, F.S. § 286.011; voting requirements at meetings, F.S. §§ 112.3143, 286.012.

Section 3.10. Ordinances in General.

The procedure for adoption of ordinances shall be as provided by general law.

State law reference—Minimum procedural requirements and prohibitions for adoption of ordinances and resolutions, F.S. § 166.041.

Section 3.11. Emergency Ordinances.

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

Section 3.12. Budget Adoption.

The council shall by ordinance adopt a balanced annual budget pursuant to general law and section 1.01(5) and section 1.01(6).

State law reference—Mandatory procedure for adoption of the budget by the city council, F.S. § 200.065.

Section 3.13. Appropriation Amendments During the Fiscal Year.

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

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

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

(4) *Transfer of Appropriations.* At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency and, upon written request by the city manager, the council may transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another.

Section 3.14. Authentication, Recording, and Disposition of Charter Amendments, Ordinances and Resolutions.

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

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

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

State law reference—Charter amendments, F.S. § 166.031.

Section 3.15. Codes of Technical Regulations.

The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and such ordinance may amend the code. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of section 3.14 for distribution and filing of copies of the ordinances shall be construed to include copies of the code of technical regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as the adopting ordinance shall be authenticated and recorded by the city manager pursuant to section 3.14.

Section 3.16. Planning Commission.

There shall be a planning commission advisory to the council. The planning commission shall have such functions and duties as delegated to it by ordinance of the council, which shall include zoning. The planning commission shall consist of no fewer than five unsalaried residents of the city, appointed by the council.

State law reference—Designation of local planning agency, F.S. § 163.3174.

ARTICLE IV. ADMINISTRATIVE

Section 4.01. City Manager.

There shall be a city manager who shall be the chief administrative officer of the city. The city manager shall be responsible to the council for the administration of all city affairs placed in the manager's charge by or under this charter.

Section 4.02. Appointments; Removal; Residency; Compensation.

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

(2) *Removal.* The council may remove the city manager for good cause shown, by the affirmative vote of at least four members of the council. Upon request by the city manager, to be made within 5 days after receipt of written notification of such vote, a public hearing shall be held within 10 days after receipt of such request. After such hearing, the council by affirmative vote of at least four council members shall decide whether to reconsider its previous action.

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

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

Section 4.03. Acting City Manager.

By letter filed with the council, the city manager may designate a qualified city administrative officer to exercise the powers and perform the duties of manager during the city manager's temporary absence or disability, not to exceed a period of 30 days. During such absence or disability, the council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return or the city manager's disability shall cease.

Section 4.04. Powers and Duties of the City Manager.

The city manager shall:

- (1) Appoint and, when deemed necessary for the good of the city, suspend or remove any city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the discretion and supervision of the city manager to exercise these powers with respect to subordinates in that officer's department.
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law.
- (3) Attend all council meetings and shall have the right to take part in discussion, but may not vote.
- (4) See that all laws, provisions of this charter, and acts of the council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed.
- (5) Prepare and submit the annual budget, budget message, and capital program to the council in a form provided by ordinance.
- (6) Submit to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.
- (7) Make such other reports as the council may require concerning the operations of city departments, offices, and agencies subject to his/her direction and supervision.
- (8) Keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city, as he/she deems desirable.
- (9) Perform such other duties as are specified in this charter or as may be required by the council.

Section 4.05. Supervision of Departments.

Except as otherwise provided in this charter or by general law, the city manager shall be responsible for the supervision and direction of all departments, agencies, or offices of the city. All departments, offices, and agencies under the direction and supervision of the manager shall be administered by an officer appointed by and subject to the direction and supervision of the manager. With the consent of council, the manager may serve as the head of one or more such departments, offices, or agencies or may appoint one person as the head of two or more of them. The city manager shall prepare and enforce personnel policies and shall keep such policies current and in conformity with applicable federal and state laws. These policies shall be approved by the city council.

Section 4.06. Administrative Code.

The manager shall develop and keep current an administrative code for the purpose of implementing ordinances passed by the council.

Section 4.07. City Attorney.

There shall be a city attorney, appointed by council, who shall serve as chief legal advisor to the council and city administrators and shall represent the city in all legal proceedings and perform such other related duties, as the council may deem necessary. The city attorney may be full time or part time or on retainer as the council may deem necessary. If the position of city attorney is full time, the provisions of section 4.02 applicable to the city manager shall be equally applicable to the city attorney.

ARTICLE V. NOMINATIONS AND ELECTIONS*

Section 5.01. Electors.

Any person who is a resident of the city, who has qualified as an elector of this state, and who registers in the procedural manner prescribed by general law, shall be an elector of the city.

State law references—Qualifications of electors, F.S. §§ 97.041, 166.032; permanent single registration system, F.S. § 97.105.

Section 5.02. Nonpartisan Elections.

All nominations and elections for the office of city council member shall be conducted on a nonpartisan basis. There shall be no designation of the political party affiliation of any nominee on any nomination petition or ballot. All candidates for office must have been city residents for at least (one) 1 year immediately prior to qualifying. Elections shall be held on the second Tuesday in March of even-numbered years and shall be by mail ballot except in presidential primary years when the election shall be held concurrently with the state primary election unless the state primary election date is changed from March to another month.

Section 5.03. Nominations.

Candidates for the city council seats for which there are vacancies shall be nominated no later than the seventh Tuesday preceding the election, and no sooner than the ninth Tuesday prior to the election. Nominating petitions shall conform to state law. Candidates shall comply with state campaign finance laws. Nominating petitions shall be obtained from and submitted

*State law reference—Florida election code, F.S. ch. 97 et seq.

to the city manager. Each petition must contain the candidate's name and the office sought; i.e., City of Marco Island Council Member. Filing of a written petition with the designated city official shall be in the following manner:

- (1) Any elector of the city may be nominated for election by petition signed by electors of the city not less in number than one percent (1%) of the number of persons registered in the city at the last general election.
- (2) The signatures shall be executed in ink. The printed name of the signer, date of signing, and the signer's current street address of residence shall be indicated next to the signature.
- (3) Each candidate's nominating petition must be accompanied by a certification of the Collier County Supervisor of Elections that the candidate had sufficient petitions signed by qualified voters of the city.

Section 5.04. Form of Ballots.

Unless otherwise stipulated by general law, the council by ordinance shall prescribe the form of the ballot. An ordinance or charter amendment to be voted on by the city shall be presented for voting by ballot title. The ballot title of a measure may differ from its legal title and shall be a clear, concise statement describing the substance of the measure without argument or prejudice, followed by the word "Yes" and also the word "No" and shall be styled in such manner that "Yes" indicates approval of the measure and "No" indicates rejection of the measure.

Section 5.05. Elections.

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

Section 5.06. Canvass of Elections.

For the canvass of votes for any election held pursuant to this charter, except for an election held concurrently with any regular state or countywide election, the canvassing board shall be composed of the chairman or his/her designee if he/she is opposed or incapacitated, the city manager, and the city attorney.

ARTICLE VI. INITIATIVE, REFERENDUM, RECALL

Section 6.01. Initiative.

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

Section 6.02. Referendum.

The qualified voters of the city shall, through the initiative process, have the power to propose or require repeal by the council of any adopted ordinance if the council fails to repeal or amend an ordinance so proposed to approve or reject it at a city election, provided that such ordinance shall not extend to the operating budget or any emergency ordinance relating to appropriation of money, but shall extend to an ordinance providing any single capital expenditure in excess of \$250,000. If the proposed ordinance to repeal an existing city ordinance has met the signature requirements of F.S. § 166.031, council shall repeal or amend the ordinance rather than place it on the ballot for a vote by the qualified electors.

Section 6.03. Recall.

Recall of elected officials shall be as provided for by general law.

State law reference—Recall of members of governing body, F.S. § 100.361.

Section 6.04. Commencement of Proceedings.

Any five qualified voters may commence initiative and referendum proceedings by filing with the city manager or other official designated by the council an affidavit stating they will constitute the petitioner's committee and be responsible for circulating the petition and filing it in proper form, stating their names and addresses and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered. Promptly after the affidavit of the petitioner's committee is filed, the city manager or other official designated by the council shall, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

Section 6.05. Petition.

(1) *Number of Signatures.* Initiative and referendum petitions must be signed by qualified voters of the city equal in number to at least 10 percent of the total number of qualified voters as of the last regular city election.

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

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

Section 6.06. Procedure for Filing.

(1) *Process for Petitioning.* City initiative petition proceedings shall commence only after petitioners have filed appropriate papers with the city manager forming a political action committee as required by the general election laws of the State of Florida. The format and content of the petition to be circulated shall conform to the requirements of general law for amending municipal charters and the general election laws and administrative rules for initiative petitions. Prior to circulation of any petition, it shall be submitted to the city attorney for review of the petition's format for technical sufficiency. The city attorney shall provide written comment of that review within seven (7) days. No review as to the legal sufficiency of the proposed amendment's text is to be undertaken by the city attorney. The number of valid voter signatures are as provided in F.S. § 166.031. Petitions for amendments of the city charter or proposing ordinances for the city shall be received and considered by council only if accompanied by a certificate from the County's Supervisor of Elections as to the number of valid city electors thereon.

(2) Within twenty (20) business days after certification of the registered voters is received from the Supervisor of Elections, the city manager or other official designated by the council shall complete a certificate as to its sufficiency, or, if it is insufficient, specifying the particulars wherein it is defective, and shall promptly send a copy of the certificate to the petitioner's committee by registered mail. Grounds for insufficiency are only those specified in section 6.05. No petitions shall be circulated which are deficient as to form or compliance with section 6.05 pursuant to the written review by the city attorney in subsection (1) of this section. If the number of signatures is insufficient, the council shall notify the committee filing the petition and allow thirty (30) additional days for filing of additional petition papers, at the end of which time the sufficiency or insufficiency of the petition shall be finally determined.

Section 6.07. Referendum Petition; Suspension of Effect of Ordinance.

When a referendum petition is filed with the city manager or other official designated by the council and deemed sufficient, the ordinance sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) The petitioner's committee withdraws the petition;
- (2) The council repeals the ordinance; or
- (3) After a vote of the city electors on the ordinance has been certified.

Section 6.08. Action on Petitions.

(1) *Action by Council.* Once the certification of valid city electors is received, council shall take appropriate action addressing the sufficiency of the petition pursuant to F.S. § 166.031. If the petition is sufficient, council shall schedule the item for an election or, if appropriate under section 6.02 of this charter, council may repeal or amend an existing ordinance thereby negating the need for an election. The council, in its discretion, may schedule the matter at either the next city election or a special election. If the petition is to repeal an ordinance,

council shall determine whether or not to repeal or amend the existing ordinance at the next regularly scheduled council meeting following the determination of petition sufficiency. If council, in its discretion, determines not to amend or repeal the ordinance petitioned for repeal, a special election shall be called not less than ninety (90) days from the date of determination of petition sufficiency. The special election on the repeal of an ordinance shall be by mail ballot unless such election can be scheduled concurrently with a city, county, state, or federal election occurring within that time period.

(2) *Submission to Voters.* If council decides a special election is to be held, it shall be conducted by mail ballot not less than ninety (90) days from the date of council's determination of the need for a special election if there is no intervening city, county, state or federal election on which this matter could be placed. Passage of the times provided in subsection (1) without action by the council shall be considered rejection, refusal, or declination. Copies of the proposed ordinance shall be made available to the voters - either at the polls or by mail ballot, whichever is appropriate. Any petition rejected by the voters may not be submitted again for one year. If repeal of a law is rejected by the voters, the law shall not again be suspended until repeal is supported by the voters or the council repeals it.

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

Section 6.09. Results of Election.

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

(2) *Referendum.* If a majority of the qualified electors voting on a referred ordinance vote against it, it shall be considered repealed upon certification of the election results.

ARTICLE VII. GENERAL PROVISION

Section 7.01. Charter Amendment.

This charter may be amended in accordance with the provisions for charter amendments as specified in the Municipal Home Rule Powers Act, F.S. ch. 166, as the same may be amended from time to time or its successor, or as may otherwise be provided by general law.

State law reference—Charter amendments, F.S. § 166.031.

Section 7.02. Code of Ethics.

(1) Public officers, employees, members of licensing or advisory boards, and candidates shall conform to the "Code of Ethics for Public Officials and Employees," Part III of F.S. ch. 112.

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

Section 7.03. Transitional Comprehensive Plan and Land Development Regulations.

(1) Until such time as the city adopts a comprehensive plan, the applicable provisions of the comprehensive plan and all existing land development regulations of Collier County, Florida, as the same exists on the day the city commences corporate existence, shall remain in effect as the city's transitional comprehensive plan and land development regulations. However, all planning functions, duties, and authority shall thereafter be vested in the city council of Marco Island, which shall be deemed the local planning agency until the council establishes a separate local planning agency.

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

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

Section 7.04. Legislation Review.

The council shall review during and within each even-decade year the city charter, the city ordinances and the city resolutions then in existence. Following such review it shall take such action as may be in the best interests of the city in accordance with the provisions of this charter. Nothing herein shall invalidate any charter provision, ordinance, or resolution then in effect.

Section 7.05. Penalties.

Violations of ordinances shall be punishable in accordance with the uniform fines and penalties set by general law.

State law reference—Penalties for violation of municipal ordinances, F.S. § 162.220.

Section 7.06. Severability.

If any article, section, subsection, sentence, clause, or provision of this charter or the application thereof shall be held invalid for any reason, the remainder of the charter and of any ordinances or regulations made thereunder shall remain in full force and effect.

ARTICLE VIII. MARCO ISLAND FIRE CONTROL DISTRICT**Section 8.01. Dissolution.**

Upon the effective date of this charter, the Marco Island Fire Control District, an independent special district created by a special act of the Legislature, shall cease to exist; and Laws of Fla. chs. 65-1413, 78-491, 79-444, 80-595, 82-282, 84-415, 89-456, 90-464; Laws of Fla. ch. 90-457, §§ 8.01—8.07; and Laws of Fla. ch. 93-384, §§ 8.01—8.07, are repealed. However, the District shall continue to operate and function as normal until council members have been elected and decide to alter responsibilities or functions. From that date forward the city shall have, exercise, and enjoy all rights, immunities, powers, benefits, privileges, and franchises now and formerly possessed or held by said Marco Island Fire Control District.

Section 8.02. Transfer of Assets.

The assets, liabilities, and contracts of the Marco Island Fire Control District, including all rights, obligations, duties, and relationships now existing by law or agreement, including responsibility to provide fire protection service to the area of Marco Island known as Goodland, shall be unaffected and shall remain in full force and effect and shall become those of the City of Marco Island. All rights, claims, actions, orders, and all contracts between the special district and district personnel, and all legal or administrative proceedings involving the district, shall continue in full force and effect under the jurisdiction of the City of Marco Island.

Section 8.03. Transfer of Resolutions and Policies.

To the extent not inconsistent with this charter, all resolutions and policies of the Marco Island Fire Control District shall remain in effect until amended, revised, or repealed by the city council.

Section 8.04. Transfer of Services.

Fire protection services to the area formerly served by the Marco Island Fire Control District shall thereafter be a function of the City of Marco Island. Service to the area known as Goodland, outside the boundaries of the city, will be provided in accordance with an intergovernmental agreement with Collier County.

Section 8.05. Transfer of Personnel.

Employees of the Fire Control District shall become employees of the city and all rights as to vacation, sick leave, pay grades, retirement, insurance, and similar personnel benefits shall be preserved until such time as rules, regulations, and personnel procedures have been established by the city.

Section 8.06. Establishment of Advisory Board.

Those elected Fire Commissioners of the Marco Island Fire Control District currently in office shall continue as an advisory board of the city until the expiration of their terms of office.

Section 8.07. Further Provisions by Ordinance.

Such further provisions as are deemed necessary to effect this transition and to provide for the operation of the Marco Island Fire Department shall be provided by ordinance.

ARTICLE IX. STATE-SHARED REVENUES AND LOCAL OPTION GAS TAXES**Section 9.01. City Participation in State-Shared Revenues Programs and Local Option Gas Taxes.**

(1) It is recognized that the services provided by independent districts within municipal boundaries provide essential services which would customarily be provided by municipal government. It is therefore declared that the City of Marco Island shall be eligible to participate in revenue-sharing beyond the minimum entitlement in any fiscal year, provided that the City and all independent special districts created under special law, combined, levy ad valorem taxes in amounts as required by F.S. § 218.23.

(2) *State-shared Revenues.* The City of Marco Island shall be entitled to participate in all shared revenue programs of the State of Florida effective immediately on the date of incorporation. The provisions of F.S. § 218.23(1) shall be waived for the purpose of eligibility to receive revenue sharing funds from the date of incorporation through the state fiscal year 1999-2000. For purposes of meeting provisions of F.S. § 218.23(1) relating to ad valorem taxation, the millage levied by special districts within the corporate limits of the City may be used for an indefinite period of time. F.S. § 218.26(3) shall be waived for the state fiscal years 1997-1998, 1998-1999, and 1999-2000 and the apportionment factors for the municipalities and counties shall be recalculated pursuant to F.S. § 218.245. Initial population estimates for calculating eligibility for shared revenues shall be determined by the University of Florida Bureau of Economic and Business Research. Should the Bureau be unable to provide an appropriate population estimate, the Collier County Department of Community Development shall provide an appropriate estimate.

(3) *Local Option Gas Taxes.* Notwithstanding the requirements of F.S. § 336.025 to the contrary, the City of Marco Island shall be entitled to receive local option gas tax revenues beginning October 1, 1997. The said revenues shall be distributed in accordance with F.S. § 336.025.

(Laws of Fla. ch. 98-494, § 1)

ARTICLE X. TRANSITION SCHEDULE

Section 10.01. Referendum.

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

INCORPORATION OF THE CITY OF MARCO ISLAND

"Shall HB 1729 as enacted by the 1997 Legislature creating a City of Marco Island and providing for its Charter, be approved?"

Yes

No

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

Section 10.02. Council Election.

The timing and schedule for the initial election is described in section 3.02. The expense of such election shall be repaid by the city within twelve (12) months.

Section 10.03. Schedule.

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

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

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

Section 10.04. First-Year Expenses.

The city council, in order to provide moneys for the expenses and support of the city until such times as a budget is adopted and revenues are raised in accordance with provisions of this

charter, shall have the power and authority to borrow money by resolution of the city council upon notes or other obligations of the city; but in no event shall such borrowings exceed \$750,000.

Section 10.05. Transition Ordinances.

The council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within sixty (60) days of the first council meeting under this charter for the purpose of facilitating the transition may be passed as emergency ordinances following the procedures in Article III, except that transition ordinances shall be effective for up to ninety (90) days after enactment. Thereafter, such ordinances may be readopted, renewed, or otherwise contained only in the manner prescribed for normal ordinances in Article III.

Section 10.06. County Ordinances and Services During Transition Period.

(1) Pursuant to Article VIII of the Florida Constitution, the ordinances, rules, and regulations of Collier County shall continue to be in effect within the boundaries of the City of Marco Island, except that a county ordinance, rule, or regulation in conflict with an ordinance, rule, or regulation of the City of Marco Island shall not be effective to the extent of such conflict. Any existing Collier County ordinances, rules, and regulations, as of the date this charter is approved, shall not be altered, changed, rescinded, or added to, nor shall any variance be granted thereto insofar as such action would affect the City of Marco Island, without the approval of the city council. Collier County is authorized to continue to provide all Municipal Service Taxing District ("MSTD") and/or Municipal Service Taxing Unit ("MSTU") services budgeted to be provided, as of the date this charter is approved, unless the city council of Marco Island votes to terminate any or all such services.

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

Section 10.07. Effect of Incorporation on Certain Existing Indebtedness.

Nothing in this act shall affect the obligation of the city, or any property owners therein, for their rightful share of any indebtedness incurred through the Collier County Public Park and Recreation Municipal Service Taxing Unit or the Marco Water and Sewer District in existence and legally due as of the date of incorporation.

§ 10.08

MARCO ISLAND CODE

Section 10.08. Deletion of Obsolete Schedule Items.

The council shall have power, by resolution, to delete from this Article any section, including this one, when all events to which the section to be deleted is or could become applicable have occurred.

Section 10.09. [Effective date.]

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