

## **ORDINANCE NO. 24-03**

**AN ORDINANCE OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, PROVIDING FOR AN INCREASE IN COMPENSATION FOR VILLAGE COUNCIL MEMBERS; PROVIDING FOR REFERENDUM TO BE HELD WITH THE REGULAR VILLAGE ELECTION ON NOVEMBER 5, 2024; PROVIDING FOR SUBMISSION TO THE ELECTORS OF A PROPOSED AMENDMENT TO THE VILLAGE CHARTER PERTAINING TO INCREASED COMPENSATION FOR COUNCIL MEMBERS; PROVIDING FOR REQUISITE BALLOT LANGUAGE; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER/CONFORMITY OF AMENDMENT; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, Section 5(5) of the Charter of Islamorada, Village of Islands, Florida (the "Village"), provides that the Village Council of Islamorada, Village of Islands (the "Village Council") shall initially be compensated at the rate of \$300 per month; and

**WHEREAS**, Section 5(5) of the Charter also provides that the Village Council may elect to provide for an increase in compensation to Council members by the adoption of an ordinance with no less than four affirmative votes; and

**WHEREAS**, Section 5(5) of the Charter also provides that no such ordinance establishing compensation shall take effect until the date of commencement of the terms of Council members selected at the next regular election which follows the adoption of said ordinance; and

**WHEREAS**, in 2005, the Village Council adopted Ordinance No. 05-23, thereby increasing Village Council compensation to \$1,000.00 per month, which subsequently became effective in March 2006 after referendum and approval by the voters; and

**WHEREAS**, at its regular meeting on September 7, 2023, the Village Council gave direction to the Village Attorney to prepare an Ordinance proposing an increase in Council compensation; and

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

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

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

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

**Section 2. Charter and/or Code Amendment.** Pursuant to Section 5(5) of the Village Charter, and Section 166.031, Florida Statutes, the following section of the Village Charter of Islamorada, Village of Islands, is hereby amended to reads as follows:

If Question No. 1 is approved by referendum: <sup>1</sup>

Compensation and expenses. Village councilmembers shall initially be compensated at the rate of ~~\$300~~ \$1,500 per month and, shall be entitled to receive reimbursement in accordance with Florida Statutes for authorized travel and per diem expenses incurred in the performance of their official duties. In addition, compensation for Village councilmembers shall also be subject to annual cost of living adjustments commensurate with such adjustments given to Village staff in the same fiscal year. The village council, by not less than four affirmative votes, may elect to provide for an increase in compensation by ordinance. However, no such ordinance establishing or increasing compensation shall take effect until approved by a majority of the village electors at the next regular election which follows the adoption of said ordinance.

**Section 3. Election Called.** A referendum vote is hereby called along with the regular Village election, to be held on November 5, 2024, to present to the electors of Islamorada, Village of Islands, the ballot question provided in Section 5 of this Ordinance.

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

**Section 5. Form of Ballot.**

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

**Question No. 1**

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

Increasing Amount of Councilmember Compensation from \$1,000 per month to \$1,500 per month and providing for annual cost of living adjustments commensurate with such adjustments given to Village staff in the same fiscal year

It is proposed that the Village Charter be amended to provide for the amount of monthly compensation to Councilmembers be increased from \$1,000 per month to \$1,500 per month and that Councilmember compensation be subject to annual cost of living adjustments commensurate with such adjustment given to Village staff in the same fiscal year.

Shall the above described Charter amendment be adopted?

Yes [ ]

No [ ]

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

**Section 6. Notice of Election.**

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

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

## NOTICE OF SPECIAL ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO ORDINANCE NO. \_\_\_\_ ADOPTED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA (THE "VILLAGE") AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE VILLAGE ON TUESDAY, NOVEMBER 5, 2024, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING CHARTER AMENDMENT PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE.

### Question No. 1

Increasing Amount of Councilmember Compensation from \$1,000 per month to \$1,500 per month and providing for annual cost of living adjustments commensurate with such adjustments given to Village staff in the same fiscal year

It is proposed that the Village Charter be amended to provide for the amount of monthly compensation to Councilmembers be increased from \$1,000 per month to \$1,500 per month and that Councilmember compensation be subject to annual cost of living adjustments commensurate with such adjustment given to Village staff in the same fiscal year.

Shall the above described Charter amendment be adopted?

Yes [ ]

No [ ]

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

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

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Village Clerk

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

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

**Section 9. Effectiveness.** Adoption of the proposed Charter Amendment shall occur if a majority of the electors voting in the referendum vote for its adoption. The adopted Charter Amendment shall be considered adopted and effective upon certification of the election results.

**Section 10. Severability.** The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

**Section 11. Inclusion in the Charter/Conformity of Amendment.** Following adoption of the Charter Amendment, the Village Clerk shall have the Charter Amendment incorporated into the Village Charter and shall file the revised Charter with the Department of State. The Village Clerk is authorized to revise the Charter, including the provisions of the transitional provisions, to the extent necessary to ensure that all adopted amendment(s) conform to one another.

**Section 12. Effective Date.** This Ordinance shall become effective immediately upon adoption on second reading.

**[Remainder of the page intentionally left blank.]**

The foregoing Ordinance was offered by Mark Gregg, who moved its adoption on first reading. This motion was seconded by Henry Rosenthal, and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilman Mark Gregg	Yes
Councilwoman Elizabeth Jolin	Yes
Councilman Henry Rosenthal	Yes

**PASSED** on first reading this 14th day of December, 2023.

The foregoing Ordinance was offered by Mark Gregg, who moved its adoption on first reading. This motion was seconded by Elizabeth Jolin. and upon being put to a vote, the vote was as follows:

Mayor Joseph B. Pinder III	Yes
Vice Mayor Sharon Mahoney	Yes
Councilman Mark Gregg	Yes
Councilwoman Elizabeth Jolin	Yes
Councilman Henry Rosenthal	No

**PASSED AND ADOPTED** on the second reading this 9th day of January, 2024.

DocuSigned by:

*Joseph B. Pinder III*

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JOSEPH B. PINDER III, MAYOR

ATTEST:

DocuSigned by:

*Marne K. McGrath*

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MARNE MCGRATH, VILLAGE CLERK

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

DocuSigned by:

*John J. Quick*

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JOHN J. QUICK, VILLAGE ATTORNEY

