

## **ORDINANCE NO. 22-03**

**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 GENERAL ELECTION IN NOVEMBER 2022; 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 \$300.00 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 June 2, 2022, the Village Council gave direction to the Village Attorney to prepare an Ordinance proposing an increase in Council compensation from \$1,000.00 per month to \$2,000.00 per month; 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. 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 read as follows:

If Question No. 1 is approved by referendum:

Compensation and expenses. Village councilmembers shall initially be compensated at the rate of ~~\$300~~ \$2,000<sup>1</sup> 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. 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 General Election, to be held on November 8, 2022, to present to the electors of Islamorada, Village of Islands, the ballot question provided in Section 5 of this Ordinance.

---

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

**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**

Increasing Amount of Councilmember Compensation from \$1,000 per month to \$2,000 per month

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 \$2,000 per month.

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. 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 7. Inclusion in the Code.** It is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Islamorada, Village of Islands, Florida; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

**Section 8. Repeal of Conflicting Provisions.** All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of said conflict.

**Section 9. Effective Date.** This Ordinance shall be effective on the date of commencement of the terms of Council members selected at the next regular election that follows the date of the adoption of this Ordinance.

**(This space is intentionally left blank)**

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


Mayor Pete Bacheler	YES
Vice Mayor Henry Rosenthal	YES
Councilman Mark Gregg	YES
Councilman Joseph B. Pinder III	YES
Councilman David Webb	NO

**PASSED** on first reading this 23rd day of June, 2022.

The foregoing Ordinance was offered by Mark Gregg, who moved its adoption on <sup>second</sup>~~first~~ reading. This motion was seconded by Pete Bacheler. and upon being put to a vote, the vote was as follows:

Mayor Pete Bacheler	<u>Yes</u>
Vice Mayor Henry Rosenthal	<u>Yes</u>
Councilman Mark Gregg	<u>Yes</u>
Councilman Joseph B. Pinder III	<u>Yes</u>
Councilman David Webb	<u>No</u>

**PASSED AND ADOPTED** on the second reading this 4th day of August, 2022.

  
PETE BACHELER, MAYOR

ATTEST:

  
MARNI MCGRATH, VILLAGE CLERK

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

  
JOHN J. QUICK, INTERIM VILLAGE ATTORNEY