



Islamorada, Village of Islands **CHARTER REVIEW COMMITTEE MEETING**

January 26, 2026 - 5:30 PM
Founders Park Community Center
87000 Overseas Highway
Islamorada, FL 33036

The Village Council has resumed the in-person regular meeting format. Virtual participation is still available to the public. Please see the last page of the agenda for participation details

AGENDA

- I. CALL TO ORDER / ROLL CALL**
- II. INTRODUCTION BY VILLAGE MANAGER**
- III. SELECTION OF CHAIR AND VICE CHAIR**
- IV. ITEMS FOR DISCUSSION**
 - A. Village Charter and Resolution Establishing the Committee**
- V. PUBLIC COMMENT**
- VI. ADJOURNMENT**

Options for Viewing the Village Council Meeting:

The public is encouraged to watch the meeting on Monroe County's MCTV Comcast Channel 77. Alternatively, the public may view the meeting streamed live on the Village website from their personal computer, tablet or phone via the following link:

https://www.islamorada.fl.us/departments/communications/live_village_broadcast_meeting.php

[PUBLIC_PARTICIPATION]

Option 1: Email your comments.

- 1. Public comment should be submitted via email to: public.comment@islamorada.fl.us
- 2. The email should contain "Public Comment" in the subject line.
- 3. The name and address of the submitter shall be included in the email.
- 4. Public comment should be submitted by 9 a.m. the day before the meeting. Public comment will be sent to the Village Councilmembers for consideration prior to the meeting. Public comments will not be read during the meeting.

Option 2: Call in During the Meeting.

1. If phoning in, dial 305-224-1968 and enter the webinar **ID:875 9695 0691** followed by #. When the Mayor opens public comment pertaining to the agenda item you are interested in dial *9 to be recognized by the Zoom meeting monitor. The Monitor will call you by the last four digits of your phone number. **Please be sure to unmute your phone when you are called upon.**

2. If watching online via Zoom: Open the Zoom webinar link

<https://us06web.zoom.us/j/87596950691>

and follow the prompts to join the webinar. When the Mayor opens public comment use the “raise your hand” feature to be recognized by the meeting monitor. Public comments will be heard in the order in which they are received.

ADA Assistance:

These meetings are open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the ADA Coordinator at (305) 664-6448 or by email at ADA@islamorada.fl.us at least 48 hours before the scheduled meeting

RESOLUTION NO. 26-01-07

A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, ESTABLISHING A CHARTER REVIEW COMMITTEE TO PROVIDE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE VILLAGE CHARTER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Islamorada, Village of Islands ("Village") incorporated in 1997 pursuant to Chapter 97-348, Laws of Florida; and

WHEREAS, the Village has operated under the Village Charter as specified in Chapter 97-348, Laws of Florida, as amended from time to time ("Charter"); and

WHEREAS, at various points since incorporation a charter review committee has recommended changes to the Charter which were submitted to the electorate; and

WHEREAS, the Village Council ("Council") desires to review the Charter to determine if additional revisions to the Charter should be made; and

WHEREAS, the Council desires to establish a Charter Review Committee ("Committee") to provide community input for consideration by the Council in deciding whether to amend the Charter.

NOW THEREFORE, BE IT RESOLVED 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. Establishment of Charter Review Committee. The Council hereby establishes a Charter Review Committee to make reports and recommendations to the Village Council concerning potential revisions to the Charter.

Section 3. Membership and Term. The Committee shall be comprised of seven (7) members appointed by the Council. Members of the Committee shall be residents and electors of the Village. Each Village Councilmember shall appoint one (1) person from a list of applicants or from personal contacts. The Council will appoint the two (2) remaining members by a majority vote.

The following members are hereby appointed to the Committee:

1. Ty Harris, appointed by Mayor Don Horton; and
2. Richard Black, appointed by Vice Mayor Sharon Mahoney; and
3. Susan Raffanella, appointed by Council Member Steve Friedman; and
4. Lorie LaLonde, appointed by Council Member Deb Gillis; and
5. Roger Young, appointed by Council Member Anna Richards; and
6. Craig McBay, appointed by majority of the Council; and
7. Joe Roth, appointed by majority of the Council.

Section 4. Meetings and Powers. Meetings of the Committee shall be held at least once a month and more often if the Committee determines that more meetings are needed. All meetings shall be open to the public, and notice of such meetings shall be given as required by State law. A majority of the Committee shall constitute a

quorum. Provided there is a quorum present, an affirmative vote of the majority of those members present shall be required to take official action. Each of the proposed Charter amendments included in the final report of the Committee shall be by a majority vote of the members of the Committee. The Committee shall record minutes at each of its meetings and shall promptly provide a copy of the minutes to the Village Clerk. The Committee, at its first meeting, shall organize itself by electing one (1) of its members as the chair, one (1) member as the vice-chair. At the first meeting, the Committee shall also determine which sections of the Charter should be considered for amendment. The Committee shall report to the Council its recommendations regarding which sections should be considered for amendment. The Council shall review and approve, or approve with revisions, the Committee's recommendations to consider such sections for amendment and shall so instruct the Committee prior to its next meeting.

Section 5. Disqualification of Members and Compensation

1. Should any committee member miss two (2) consecutive meetings without justification, whether regular meetings or special meetings, that person shall be disqualified as a member of the Committee; and the corresponding Council Member or if the member was appointed by the full Council, then the Council, who appointed the committee member shall immediately appoint a successor for the balance of the unexpired term of the vacant seat.

2. The members of this Committee shall serve without compensation or reimbursement.

Section 6. Duties. It shall be the duty of the Committee to:

1. Review all provisions of the Charter and consider whether the Charter should be amended;
2. Report monthly to the Council regarding the Committee's activities;
3. Prepare a final report no later than May 31, 2026 advising the Council of its recommendations regarding any amendments to the Charter;
4. Take a separate vote on each proposed Charter amendment; and
5. Attend a Council meeting to present the Committee's final report.

Section 7. Staff Participation. At all meetings of the Committee the Village Manager or his designee shall be present to provide information, support, and input regarding the issues raised by the Committee and to record the minutes of the meeting.

Section 8. Sunset. This Resolution shall sunset and the Committee shall be dissolved seven (7) months from the date it is appointed or the date it submits its final recommendations to the Council, whichever is earlier, unless the Council determines otherwise by resolution.

Section 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

Remainder of this page intentionally left blank.

Motion to adopt by Deb Gillis, second by Anna Richards.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Don Horton	Yes
Vice Mayor Sharon Mahoney	Yes
Councilmember Steve Friedman	Yes
Councilmember Deb Gillis	Yes
Councilmember Anna Richards	Yes

PASSED AND ADOPTED ON THIS 6th DAY OF JANUARY, 2026.



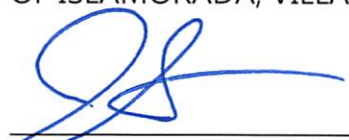
DON HORTON, MAYOR

ATTEST:



MARNE MCGRATH, VILLAGE CLERK

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



JOHN J. QUICK, VILLAGE ATTORNEY

CHARTER

[House Bill No 1265](#)

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House Bill No 1265

CHAPTER 97-348

House Bill No. 1265

An act relating to Monroe County; creating the "Islamorada, Village of Islands"; providing legislative intent; providing municipal boundaries and municipal powers; providing a council-manager form of government; providing for election of a village council; providing for membership, qualifications, terms, powers, and duties of its members, including the mayor; providing for a vice mayor; providing for compensation and expenses; providing general powers and duties; providing circumstances resulting in vacancy in office; providing grounds for forfeiture and suspension; providing for filling of vacancies; providing for meetings; providing for keeping of records; providing for adoption, distribution, and recording of technical codes; providing a limitation upon employment of council members; providing that certain interference with village employees shall constitute malfeasance in office; establishing the fiscal year; providing for adoption of annual budget and appropriation; providing amendments for supplemental, reduction, and transfer of appropriations; providing for limitations; providing for appointment of charter offices, including a village manager and village attorney; providing for removal, compensation, and filling of vacancies; providing qualifications, powers, and duties; providing for nonpartisan elections and for matters relative thereto; providing for recall; providing for initiative and referenda; providing the village a transitional schedule and procedures for first election; providing for first-year expenses; providing for adoption of transitional ordinances, resolutions, comprehensive plan, and local development regulations; providing for accelerated entitlement to state-shared revenues; providing for gas tax revenue; providing for a transition agreement between Monroe County and Islamorada, Village of Islands; providing land descriptions of the village; providing for future amendments of the charter; providing for standards of conduct in office; providing for severability; providing for a referendum approval; providing effective dates.

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

Editor's note(s)—Printed herein is the Charter of Islamorada, Village of Islands, Florida, Laws of Fla. ch. 97-348, as adopted at referendum on November 4, 1997. 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.

Sec 1 Short Title

This act, together with any future amendments thereto, shall be known and may be cited as the "Islamorada, Village of Islands," hereinafter referred to as "the charter."

Sec 2 Legislative Intent

The Legislature hereby finds and declares that:

- (1) The Islamorada area in Monroe County includes a compact and contiguous community of approximately 7,100 residents susceptible to urban services, and constitutes a community amenable to separate municipal government.
- (2) It is in the best interests of the public health, safety, and welfare of the residents of the Islamorada area to form a separate municipality for the Islamorada area with all the powers and authority necessary to provide adequate and efficient municipal services to its residents.
- (3) It is intended that this charter and the incorporation of the Islamorada area will serve to preserve and protect the distinctive characteristics of the individual communities within the boundaries of Islamorada, Village of Islands.

Sec 3 Incorporation Of Municipality; Corporate Limits

There is hereby created, effective December 31, 1997, in Monroe County, a new municipality to be known as Islamorada, Village of Islands, which shall have a council-manager form of government. The corporate boundaries of Islamorada, Village of Islands, hereinafter referred to as "village," shall be as described in section 11[10].

Sec 4 Municipal Powers

The village shall be a body corporate and politic and shall have all the powers of a municipality under the Constitution and laws of the State of Florida, as fully and completely as though such powers were specifically enumerated in this charter, unless otherwise prohibited by or contrary to the provisions of this charter. The village shall have all governmental, corporate, and proprietary powers necessary to enable it to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal services unless expressly prohibited by law. The powers of the village shall be liberally construed in favor of the village.

Sec 5 Village Council

- (1) *Village council; composition; qualifications of council members.*
 - (a) There shall be a five-member village council, consisting of council members each elected from and representing the village at large.
 - (b) There shall be five separate council seats to be designated as Seat 1, Seat 2, Seat 3, Seat 4, and Seat 5. Candidates must qualify for council elections by seat, and the councilmembers elected to those seats shall hold Seats 1 through 5 respectively.
 - (c) To qualify for office:
 - (i) Each candidate for the office of village council shall be a registered voter in the State of Florida and a resident of the village.
 - (ii) At the time of qualification, each candidate for a council seat shall reside within the boundaries of the village and, if elected, shall maintain such residency throughout his or her term of office. For the initial election, following the

referendum approving the creating of the village, candidates for office shall qualify as provided in section 9(2). Thereafter, candidates shall qualify as provided in section 8(3).

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

(3) *The mayor; powers and duties.*

(a) The village council, at its first regular meeting after the fourth Tuesday of each November, shall elect from its membership a mayor and vice-mayor who shall serve at the pleasure of the village council and who shall have the same legislative powers and duties as any other councilmember, except as provided in paragraph (b). Notwithstanding the foregoing provisions, the election of the Mayor and Vice Mayor in a year in which there is a Village Council election, shall occur at the first regular Council meeting after the election certification has been conducted and approved by the Village's Canvassing Board.

(b) In addition to carrying out the regular duties under paragraph (a), the mayor shall preside at the meetings of the council and shall be recognized as the head of village government for service of process, ceremonial matters, and the signature or execution of ordinances, contracts, deeds, bonds, and other instruments and documents. The mayor shall have no administrative duties other than those necessary to accomplish these actions, or such other actions as may be authorized by the village council, consistent with general or special law.

(4) *The vice-mayor.* The vice-mayor shall serve as acting mayor during the absence or disability of the mayor. In the absence of the mayor and the vice-mayor, the remaining councilmember[s] shall select a councilmember to serve as acting mayor.

(5) *Compensation and expenses.* Village councilmembers shall initially be compensated at the rate of \$300 ² 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.

(6) *General powers and duties of council.* Except as otherwise prescribed herein or provided by law, legislative and police powers of the village shall be vested in the council. The council shall provide for the exercise of its powers and for the performance of all duties and obligations imposed on the village by law.

(7) *Vacancies; forfeitures of office; suspension; filling of vacancies.*

(a) *Vacancies.* A vacancy in the office of a councilmember shall occur upon the death of the incumbent, removal from office as authorized by law, resignation, appointment to other public office which creates dual office holding, judicially determined incompetency, or forfeiture of office as described in paragraph (b).

(b) *Forfeiture of office.* A councilmember shall forfeit his or her office upon determination by the council, acting as a body, at a duly noticed public meeting that he or she:

(i) Lacks at any time, or fails to maintain during his or her term of office, any qualification for the office prescribed by this charter or otherwise required by law;

- (ii) Is convicted of a felony, or enters a plea of guilty or nolo contendere to a crime punishable as a felony, even if adjudication is withheld;
 - (iii) Is convicted of a first degree misdemeanor arising directly out of his or her official conduct or duties, or enters a plea of guilty or nolo contendere thereto, even if adjudication of guilt has been withheld;
 - (iv) Is found to have violated any standard of conduct or code of ethics established by law for public officials and has been suspended from office by the Governor, unless subsequently reinstated as provided by law; or
 - (v) Is absent from three consecutive regular council meetings without justifiable reason, or for any other reason established in this charter.
- (c) *Suspension from office.* A councilmember shall be suspended from office upon return of an indictment or issuance of any information charging the councilmember with any crime which is punishable as a felony or with any crime arising out of his or her official duties which is punishable as a first degree misdemeanor. Pursuant thereto:
- (i) During the period of suspension, the councilmember shall not perform any official act, duty, or function, or receive any pay, allowance, emolument, or privilege of office.
 - (ii) If the councilmember is subsequently found not guilty of the charge, or if the charge is otherwise dismissed, reduced, or altered in such a manner that suspension would no longer be required as provided herein, the suspension shall be lifted and the councilmember shall be entitled to receive full back pay and such other emoluments or allowances as he or she would have been entitled to had the suspension not occurred.
- (d) *Filling of vacancies.*
- (i) If a vacancy occurs in the office of mayor, the vice-mayor shall serve as mayor until a new mayor is elected as provided in paragraph (3)(a) and assumes the duties of his or her office.
 - (ii) If any vacancy occurs in the office of any councilmember and the remainder of the unexpired term is less than 50 percent, the remaining councilmembers shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy for the remainder of the unexpired term. If, however, the remainder of the unexpired term is equal to or exceeds 50 percent, the remaining councilmembers shall, within 30 days following the occurrence of such vacancy, by majority vote, appoint a person to fill the vacancy until the next regularly scheduled village election.
 - (iii) Any person appointed to fill a vacant seat on the council shall be required to meet the qualifications of the seat to which he or she is appointed.

State law reference(s)—Charter or ordinance to provide for method of filling vacancies, F.S. § 166.031(6).

(8) *Village council meetings.* The council shall conduct regular meetings at such times and places as the council shall prescribe by resolution. Such meetings shall be public meetings within the meaning of F.S. § 286.011, and shall be subject to notice and other requirements of law applicable to public meetings. Pursuant thereto:

- (a) Special meetings may be held at the call of the mayor, or in his or her absence, at the call of the vice-mayor. Special meetings may also be called upon the request of a

majority of the councilmembers. Unless of an emergency nature, the person or persons calling such a meeting shall provide not less than 72 hours' prior notice of the meeting to the public.

- (b) Elected or reelected councilmembers shall be inducted into office at the first regularly scheduled meeting following certification of their election.
- (c) A majority of the council shall constitute a quorum. No action of the council shall be valid unless adopted by an affirmative vote of the majority of the councilmembers in attendance, unless otherwise provided by law. All actions of the village council shall be by ordinance, resolution, or motion.

(9) *Village records.* The council shall, in a properly indexed book kept for the purpose, provide for the authentication and recording in full of all minutes of meetings, and all ordinances and resolutions adopted by the council, and the same shall at all times be a public record. The council shall further maintain a current codification of all ordinances. Such codification shall be printed and shall be made available for distribution to the public on a continuing basis. All ordinances or resolutions of the council shall be signed by the mayor, or vice-mayor in the absence or disability of the mayor, or by the acting mayor in the absence or disability of both the mayor and the vice-mayor, and attested to by the village clerk.

(10) *Adoption of codes.* The council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance and may amend the code in the adopting ordinance or later amendatory ordinance. The procedures and requirements governing such an adoption ordinance shall be prescribed for ordinances generally, except that:

- (a) Requirements regarding distribution and filing of copies of the ordinance shall not be construed to require distribution and filing of copies of the adopted code of technical regulations, except as provided in paragraph (b).
- (b) A copy of each adopted code of technical regulations, as well as of the adoptive ordinance, shall be authenticated and recorded by the village clerk.

State law reference(s)—Ordinance adoption procedures, F.S. § 166.041.

(11) *Limitation of employment of councilmembers.* No councilmember shall be in the employment of the village while in office, nor shall any former councilmember be employed by the village until after the expiration of one year from the time of leaving office.

(12) *Noninterference by village council.* Except for the purposes of inquiry and information, the council and its members including committees thereof, are expressly prohibited from interfering with the performance of the duties of any employee of the village government who is under the direct or indirect supervision of the village manager or village attorney. Such action shall be malfeasance within the meaning of F.S. §§ 112.317, 112.51.

(Ord. No. 03-13, § 3, 12-11-2003; Ord. No. 03-14, § 2, 12-11-2003, referendum 3-9-2004; Ord. No. 07-02, § 2, 2-8-2007, referendum 5-15-2007; Ord. No. 08-03, § 3, 6-26-2008; referendum 11-2-2010; Ord. No. 11-15, § 2, 6-23-2011; Ord. No. 11-19, 9-8-2011, referendum 1-31-2012)

¹Editor's note(s)—Subsection 5(2) of the Charter was amended by Ord. No. 03-14, adopted December 11, 2003 through a referendum held on March 9, 2004. The amendments to subsection 5(2) shall apply prospectively to councilmembers elected after March 9, 2004. The subsection formerly provided that "the term of office for councilmembers shall be four years" and that "no councilmember shall serve more than eight consecutive years in office." [This editor's note was furnished by the village clerk.]

²Editor's note(s)—In Ord. No. 05-23 the village council increased council compensation to \$1,000.00 per month which was effective in March of 2006. [This editor's note was furnished by the village clerk.]

HISTORY

Amended by Ord. [05-23](#) on 12/15/2005

Amended by Ord. [10-09](#) § 2 on 6/14/2010

Amended by Ord. [24-02](#) on 11/11/2024

Sec 6 Budget And Appropriations

- (1) *Fiscal year.* The village shall have a fiscal year which shall begin on October 1 of each year and end on September 30 of the succeeding year.

State law reference(s)—Establishment of fiscal year required, F.S. § 166.241(2).

- (2) *Budget adoption.* The council shall by resolution adopt a budget on or before the 30th day of September of each year, following a minimum of two public hearings on the proposed budget. A resolution adopting the annual budget shall constitute appropriation of the amounts specified therein as expenditures from funds indicated.

- (3) *Appropriation amendments during the fiscal year.*

- (a) *Supplemental appropriations.* If, during the fiscal year, revenues in excess of those estimated in the budget are available for appropriation, the council by resolution may make supplemental appropriations for the year, in an amount not to exceed such excess.
- (b) *Reduction of appropriations.* If, at any time during the fiscal year, it appears probable to the village manager that the revenues available will be insufficient to meet the amount appropriated, the village manager shall report same to the council without delay, indicating the estimated amount of the deficit, any remedial action taken, and recommendations as to any other steps that should be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and, for that purpose, the council may by resolution reduce one or more appropriations accordingly.
- (c) *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 unencumbered balance thereof. Other provisions of law to the contrary notwithstanding, the supplemental and emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

Sec 7 Charter Officers

- (1) *Designation.* The village manager and the village attorney are redesignated as charter officers, except that the office of village attorney may be contracted to an attorney or law firm.

- (2) *Appointment; removal; compensation; filling of vacancies.*

- (a) The charter officers shall be appointed by a majority vote of the full council and shall serve at the pleasure of the council.
- (b) The charter officers shall be removed from office only by a majority vote of the full council. Upon demand by a charter officer, a public hearing shall be held prior to such removal.
- (c) The compensation of the charter officers shall be fixed by the village council.
- (d) The village council shall begin the process to fill a vacancy in a charter office within 90 days of the vacancy. An acting village manager or an acting village attorney may be appointed by the council during a vacancy in such charter office.

- (e) The charter officers shall not be a candidate for village council while holding their charter officer position.

(3) *Village manager.* The village manager shall be the chief administrative officer of the village.

- (a) *Qualifications.* The village manager shall be selected on the basis of experience, expertise, and management ability as it pertains to running municipal government.

(b) *Powers and duties.* The village manager shall:

- (i) As the chief administrative officer of the village, direct and supervise the administration of all departments, offices, and agencies of the village, except the offices of village attorney, and except as otherwise provided by this charter or by law.
- (ii) Appoint, suspend, or remove any employee of the village or appointive administrative officer provided for, by, or under this charter, except the office of village attorney, and except as may otherwise be provided by law, this charter, or personnel rules adopted pursuant to the charter. The village manager may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.
- (iii) Ensure that all laws, provisions of this charter, and acts of the council are faithfully executed.
- (iv) Prepare and submit the annual budget, and capital program to the council in the form prescribed by ordinance.
- (v) Attend meetings of the village council.
- (vi) Draw and sign vouchers upon depositories as provided by ordinance, and keep, or cause to be kept, a true and accurate account of same.
- (vii) Sign all licenses issued by the village, and issue receipts for all moneys paid to the village, and deposit said moneys in the proper depositories on the first banking day after receipt. The village manager may delegate the responsibilities of this subparagraph to an appropriate village employee who shall be bonded.
- (viii) Provide administrative services in support of the official duties of the mayor and the council.
- (ix) Keep the council advised as to the financial condition and future needs of the village and make recommendations to the council concerning the affairs of the village.
- (x) Submit to the council, and make available to the public, a complete report on finances and administrative activities of the village as of the end of each fiscal year.
- (xi) Sign contracts on behalf of the village to the extent authorized by ordinance.
- (xii) Perform such other duties as are specified in this charter or as may be required by the council.

(4) *Village attorney.* The village attorney shall be the chief legal officer of the village.

- (a) *Qualifications.* The village attorney shall be a member of The Florida Bar in good standing.

(b) *Powers and duties.* The village attorney:

- (i) Shall serve as chief legal advisor to the village council, the charter officers, and all village departments, offices, and agencies.
- (ii) May hire such assistants as may be required, when approved by the village council.
- (iii) Shall attend village council meetings unless excused by the village council, and shall perform such professional duties as may be required by law or by the council in furtherance of the law.
- (iv) Shall prepare an annual budget for the operation of the office of the village attorney and shall submit this budget to the village manager for inclusion in the annual village budget, in accordance with uniform village procedures.

Sec 8 Elections

- (1) *Electors.* Any person who is a resident of the village, who has qualified as an elector of this state, and who registers in the manner prescribed by law shall be an elector of the village.
- (2) *Nonpartisan elections.* All elections for the village councilmembers shall be conducted on a nonpartisan basis without any designation of political party affiliation.
- (3) *Qualifying for office.* Any resident of the village who wishes to become a candidate for a village elective office shall qualify with the village clerk no sooner than the second Tuesday prior to the Monroe County's primary election at noon and ending no later than noon on the following Tuesday of the year in which the election is to be held.
- (4) *Schedule for general elections.* The regular village election shall be held on the first Tuesday after the first Monday in November of each even numbered year. Such village elections shall be general village elections.
- (5) *Schedule for other elections.*
 - (a) An election to fill the remainder of an unexpired term shall be held as provided in subsection (4).
 - (b) Special municipal elections shall be held in the same manner as regular elections, except that the village council, by ordinance, shall fix the time for holding of such elections.
- (6) *Determination of election to office.* If only one candidate qualifies for a seat, said candidate shall be deemed to be elected to office for that particular seat. If two or more candidates qualify for a seat, the names of those candidates shall be placed on the ballot, by seat, at the general election. The candidate receiving the highest number of the votes cast for each seat in the election shall be elected to such office. If the vote at the election results in a tie, the outcome shall be determined by lot.
- (7) *Village canvassing board.* The village canvassing board shall be no less than three members and composed of those members of the village council who are not candidates for reelection and the village clerk, who shall act as chairperson. If there are less than two eligible councilmembers to serve, board members shall be appointed by the council. At the close of the polls of any village election, or as soon thereafter as practicable, the canvassing board shall meet at a time and place designated by the chairperson and shall proceed to publicly canvass the vote as shown by the returns when on file in the office of the village clerk, and then shall publicly canvass the absentee elector ballots. The canvassing board shall prepare and sign a

certificate containing the total number of votes cast for each candidate or other measure voted upon. The certificate shall be placed on file with the village clerk.

- (8) *Recall of village councilmembers.* Any member of the village council may be removed from office by the electors of the village following the procedures for recall established by general law.

State law reference(s)—Recall, F.S. § 100.361.

- (9) *Initiative and referendum.*

(a) *Power to initiate and reconsider ordinances.*

- (i) *Initiative.* The electors of the village shall have the power to propose ordinances to the village council and, if the village council fails to adopt an ordinance so proposed without any change in substance, to adopt or reject it at a village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of village officers or employees.

(ii) *Referendum.*

- A. The village council shall have the power, by resolution, to call for a referendum vote by the electors of the village at any time, provided that the purpose of such referendum is presented to the village at a public hearing at least 60 days prior to the adoption of said resolution. Any resolution calling for a referendum vote of the electors of the village must be passed by the affirmative vote of not less than four members of the council.
- B. The electors of the village shall have the power to require reconsideration by the village council of any adopted ordinance and, if the village council fails to repeal an ordinance so reconsidered, to approve or reject it at a village election, provided that such power shall not extend to the annual budget or capital program or any ordinance appropriating money, levying taxes, or setting salaries of village officers or employees.
- C. Notwithstanding anything in subparagraph 2.b. to the contrary, the referendum power shall extend to any ordinance levying ad valorem taxes, provided that the ordinance increases the total village tax rate above 5 mills, and that all petitions with respect to the referendum are filed within 30 days after the date of adoption of the ordinance.

- (b) *Commencement of proceedings.* Any ten electors may commence initiative or referendum proceedings by filing with the village clerk an affidavit stating that they shall 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 village clerk may, at the committee's request, issue the appropriate petition blanks to the petitioner's committee at the committee's expense.

(c) *Petitions.*

- (i) Initiative and referendum petitions must be signed by electors of the village equal in number to at least ten percent of the total number of electors registered to vote in the last regular village election.

- (ii) All papers of a petition shall be assembled as one instrument of filing. Each signature shall be executed in ink and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered.
- (iii) Each paper of a petition shall have attached to it, when filed, an affidavit executed by the circulator thereof stating that he or she personally circulated the paper, the number of signatures thereon, that all signatures were affixed in his or her presence, that he or she believes them to be the genuine signatures of the persons whose names they purport to be, and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.
- (iv) Except as otherwise provided in subsubparagraph 2.b., all initiative and referendum petitions must be filed within 60 days of the date on which proceedings with respect to such initiative or referendum are commenced, and all requirements of the process, including, but not limited to, the submission of the signatures required, must be completed no later than 90 days following the date of filing said initiative or referendum petition.

(d) *Procedure for filing.*

- (i) Within 20 days after an initiative petition or a referendum petition is filed, the village clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, 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 specifics in subparagraph (c)3. that are not met. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioner's committee files a notice of intent to amend it with the designated official within two business days after receiving the copy of the certificate and files a supplementary petition upon additional papers within ten days after receiving the copy of such certificate. Such supplementary petition shall comply with original petition requirements, and within five days after it is filed, the village clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioner's committee by registered mail. If a petition or an amended petition is certified sufficient, or if a petition or amended petition is certified insufficient and the petitioner's committee does not elect to amend or request the village council review under subparagraph 2. within the time required, the village clerk shall promptly present a certificate to the village council and such certificate shall then be a final determination as to the sufficiency of the petition.
- (ii) *The village council review.* If a petition has been certified insufficient and the petitioner's committee does not file notice of intent to amend it or if an amended petition has been certified insufficient, the committee may, within two business days after receiving the copy of such certificate, file a request that it be reviewed by the village council. The village council shall review the certificate at its next meeting following the village council's filing of such request and approve or disapprove it, and determination shall then be final as to the sufficiency of the petition.

(e) *Action on petitions.*

- (i) *Action by village council.* When an initiative or referendum petition has been determined insufficient, the village council shall promptly consider the proposed

initiative ordinance or reconsider the referendum ordinance by voting its repeal. The repeal of an ordinance relating to the levy of ad valorem taxes shall be by ordinance. If the village council fails to adopt a proposed initiative ordinance without any change in substance within 45 days or fails to repeal the referendum ordinance within 30 days or, in the case of a referendum authorized pursuant to subsubparagraph (a)2.c., within five days after the date on which the petition is determined to be sufficient, it shall submit the proposed initiative or referendum ordinance to the electors of the village. If the village council fails to act on a proposed initiative ordinance or a referendum ordinance within the time period specified, the village council shall be deemed to have failed to adopt the proposed initiative ordinance or failed to repeal the referendum ordinance on the last day that the village council was authorized to act on such matter.

- (ii) *Submission to electors.* The vote of the village on a proposed initiative or referendum ordinance shall be held not less than 30 or more than 60 days from the date the village council acted or was deemed to have acted pursuant to subparagraph (e)1. that the petition was determined sufficient. If no regular election is to be held within the period described in this paragraph, the village council shall provide for a special election, except that the village council may, in its discretion, provide for a special election at an earlier date within the described period. Copies of the proposed initiative or referendum ordinance shall be made available at the polls.
- (iii) *Withdrawal of petitions.* An initiative or referendum petition may be withdrawn at any time prior to the 15th day preceding the day scheduled for a vote of the village by filing with the village clerk a request for withdrawal signed by at least eight 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.

(f) *Results of election.*

- (i) 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. 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.
- (ii) If a majority of the qualified electors voting on a referendum ordinance vote[s] against it, it shall be considered repealed upon certification of the election results.

(Ord. No. 03-13, § 3, 12-11-2003, referendum 3-9-2004; Ord. No. 07-02, § 2, 2-8-2007, referendum 5-15-2007; Ord. No. 07-04, § 2, 3-8-2007; Ord. No. 11-15, § 2, 6-23-2011; Ord. No. 11-19, § 2, 9-8-2011, referendum 1-31-2012)

Sec 9 Transition Schedule

- (1) *Referendum.* The referendum election called for by this act shall be held on November 4, 1997, at which time the following question shall be placed upon the ballot:

INCORPORATION OF THE VILLAGE OF ISLAMORADA

"Shall Chapter _____, Laws of Florida, creating the Islamorada, Village of Islands and

providing its Charter be approved?"

☐	Yes
☐	No

In the event this question is answered affirmatively by a majority of voters voting in the referendum, the provisions of this charter will take effect as provided in section 14[13].

(2) *Initial election of councilmembers.*

- (a) *Dates.* Following the adoption of this charter in accordance with subsection (1), the Monroe County Commission shall call a special election for the election of the five village councilmembers to be held on March 12, 1998. In the event no candidate for an office receives a majority of the votes cast for said office, then a runoff election shall be held on March 26, 1998.
- (b) *Qualifying period.* Between noon on January 30, 1998, and noon on February 13, 1998, any individual who wishes to run for one of the five initial seats on the council shall qualify as a candidate with the Monroe County Supervisor of Elections in accordance with the provisions of this charter and general law.
- (c) *Certificate of election results.* For the initial election, the Monroe County Commission shall appoint a canvassing board which shall certify the results of the election.
- (d) *Induction into office.* Those candidates who are elected on March 12, 1998, and March 26, 1998, shall take office at the initial village council meeting, which shall be held at 7:00 p.m., on March 28, 1998, at the Islamorada Public Library.
- (e) *Initial terms of office.* In order to provide for staggering terms of office, the initial term of office for those three council candidates receiving the highest number of votes in the initial election shall be four years, and for the remaining elected candidates two years.

(3) *Creation and establishment of village.* For the purpose of compliance with F.S. § 200.066, relating to assessment and collection of ad valorem taxes, the village is hereby created and established effective December 31, 1997, notwithstanding anything to the contrary contained herein, the village although crated and established as of December 31, 1997, shall not be operational until March 26, 1998.

(4) *First year expenses.* The village council, in order to provide moneys for the expenses and support of the village, shall have the power to borrow money necessary for the operation of village government until such time as a budget is adopted and revenues are raised in accordance with the provisions of this charter.

(5) *Transitional ordinances and resolutions.* The village council shall adopt ordinances and resolutions required to effect the transition. Ordinances adopted within 60 days after the first council meeting may be passed as emergency ordinances. These transitional ordinances, passed as emergency ordinances, shall be effective for no longer than 90 days after adoption, and thereafter may be readopted, renewed, or otherwise continued only in the manner normally prescribed for ordinances.

(6) *Transitional comprehensive plan and land development regulations.*

- (a) Until such time as the village adopts a comprehensive plan, the applicable provisions of the Comprehensive Plan of Monroe County, as the same exists on the day the village commences corporate existence, shall remain in effect as the village's transitional comprehensive plan. However, all planning functions, duties, and authority shall thereafter be vested in the Village Council of Islamorada which shall be deemed the local

planning agency until and unless the council establishes a separate local planning agency. Prior to the adoption of a village comprehensive master plan, any amendment to any zoning as established in the current county land use plan shall only be by an ordinance adopted by the affirmative vote of not less than four members of the council. Any increase in the residential density or intensity, as established in the current county land use plan which is adopted by the village shall only be by an ordinance adopted by the affirmative vote of not less than four members of the council.

- (b) All powers and duties of the planning commission, zoning authority, any boards of adjustment, and the County Commission of Monroe County, as set forth in these transitional zoning and land use regulations, shall be vested in the Village Council of Islamorada until such time as the village council delegates all or a portion thereof to another entity.
- (c) Subsequent to the commencement of the village's corporate existence, no amendment of the comprehensive plan or land development regulations enacted by the Monroe County Commission shall be deemed as an amendment of the village's transitional comprehensive plan or land development regulations or otherwise take effect within the village's corporate limits unless approved by the village council.

(7) *State shared revenues.* Islamorada, Village of Islands 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 1997-1998. F.S. § 218.26(3), shall be waived for the 1997-1998 state fiscal year 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 Monroe County Planning Division estimate should be utilized.

(8) *Gas tax revenues.* Notwithstanding the requirements of F.S. § 336.025, to the contrary, Islamorada, Village of Islands shall be entitled to receive local option gas tax revenues beginning October 1, 1998.

Sec 10 Land Description

The corporate boundaries of the village shall be as follows:

From the West end of the Channel Two bridge (approximately Mile Marker 72.5) to the West end of the Tavernier Creek Bridge (approximately Mile Marker 90.8), including the entire islands of Plantation Key, Windley Key, Upper Matecumbe Key, Lower Matecumbe Key, and Teatable Key, and all land filled in between the islands, all connected by U.S. One, Overseas Highway; all of the above within Monroe County, Florida.

Sec 11 General Provisions

- (1) *Charter amendments.* 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 be amended from time to time, or its successor, or as may otherwise be provided by general law. The form, content, and certification of any petition to amend shall be established by ordinance.

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

- (2) *Standards of conduct.* All elected officials and employees of the village shall be subject to the standards of conduct for public officers and employees set by general law. In addition, the village council shall, no later than six months from the effective date of incorporation, establish by ordinance a code of ethics for officials and employees of the village which may be supplemental to general law, but in no case may such an ordinance diminish the provisions of general law. The intent of this provision of the charter is to require more stringent standards than those provided under general law.
- (3) *Height restrictions.* The maximum height of a structure in the village, as defined in the code, shall be 35 feet, excluding chimneys, spires and steeples on structures utilized for institutional and public uses only, radio or television antennas, flagpoles, solar apparatus and utility poles, excluding the replacement of a structure to existing height if destroyed by a natural disaster and providing for a variance procedure.

(Ord. No. 07-02, § 2, 2-8-2007, referendum 5-15-2007)

HISTORY

Amended by Ord. [07-02](#) on 2/7/2007

Sec 12 Severability

If any provisions of this act, or the application thereof to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared severable.

Sec 13 Approval By Electors

This act shall take effect only upon its approval by a majority vote of those qualified electors residing within the proposed corporate limits of the proposed Islamorada, Village of Islands as described in section 11[10], voting in a referendum election to be called by the Monroe County Commission and to be held on November 4, 1997, in accordance with the provisions of law relating to elections currently in force, except that:

- (1) If the qualified voters residing in the area known as Plantation Key consisting of Precincts 25 and 26 do not approve this act by a majority vote in both Precincts 25 and 26, this act shall not take effect. If approved by the electorate, including that in Precincts 25 and 26, section 3, section 9(2), and section 9(3) shall take effect upon certification of the election results by the Monroe County Supervisor of Elections.
- (2) The remainder of this act shall take effect upon becoming a law.

Became a law without the Governor's approval May 30, 1997.

Filed in Office [of the] Secretary of State May 29, 1997.