

RESOLUTION 05-25

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PRESENTING REFERENDUM QUESTIONS FOR PROPOSED AMENDMENTS TO THE CHARTER OF THE TOWN OF FORT MYERS BEACH.

WHEREAS, the Town Council of the Town of Fort Myers Beach, Florida, has duly passed ORDINANCES No. 05-02 and 05-03 on February 28, 2005; and

WHEREAS, the aforesaid Ordinances shall be submitted to the electors of the Town of Fort Myers Beach, Lee County, Florida for consideration, in accordance with applicable law and provisions of the Charter of the Town of Fort Myers Beach, Florida and as set forth in specificity below; and

WHEREAS, this Resolution is enacted pursuant to the provisions of Chapter 95-494, Laws of Florida, Chapter 166, Florida Statutes, and other applicable provisions of law.

NOW, THEREFORE IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AS FOLLOWS:

SECTION ONE. PURPOSE. A referendum election is hereby ordered and called for the purpose of submitting to the qualified electors of the Town of Fort Myers Beach, Lee County, Florida, the question of approval of amendments to the Town Charter.

SECTION TWO. APPROVAL BY MAJORITY. Each amendment shall take effect if approved by a majority of the qualified electors of the Town voting on each such referendum question in the election to be held on November 8, 2005.

SECTION THREE. REQUIREMENTS OF LAW. Said referendum election shall be conducted according to the requirements of the Florida Election Laws. The Supervisor of Elections of Lee County, Florida is hereby directed to present the ballot questions set forth below to the voters of Fort Myers Beach, Florida and to hold the referendum election thereon on the general election day of November 8, 2005.

SECTION FOUR. POLLING PLACES AND CONDUCT OF ELECTION. The referendum election shall be held at the polling places duly designated by the Supervisor of Elections of Lee County, Florida and conducted by election officials duly appointed by applicable General Law. The hours of election, absentee voting, canvassing, delivery of ballots and publication of notice of the referendum question shall be as provided by the requirements of law.

SECTION FIVE. AUTHORIZATION OF TOWN COUNCIL OR DESIGNEES. The Town Council or its designees are hereby authorized to take all those actions necessary in order that these referendum questions are properly placed on the ballot for the general election of November 8, 2005.

SECTION SIX. BALLOTS. The ballots to be used in said referendum shall be in the form as provided by law and shall contain the questions to be voted upon. Said questions shall be in substantially the following form:

OFFICIAL BALLOT

1. Should Section 2 of the Town Charter relating to council member elections be amended to eliminate the primary election prior to the general elections; adding a provision for a run-off election after the general election if no candidate receives a majority of votes for that office; and adding a provision specifying the time period for candidate qualification prior to election?

Shall the above described amendment be adopted?

Yes for Approval \_\_\_  
No for Rejection \_\_\_

2. Should the Town Charter be amended to state that the council may impose road or bridge tolls only after approval by the electors as provided by general law?

Shall the above described amendment be adopted?

Yes for Approval \_\_\_  
No for Rejection \_\_\_

SECTION SEVEN. NOTICE OF ELECTION. The publication of notice of this referendum shall be had in a newspaper of general circulation within Lee County and the first publication shall be at least 30 days prior to the 8<sup>th</sup> day of November, 2005. The publication shall be made at least twice; once in the fifth week and once in the third week prior to the week in which the referendum is to be held.

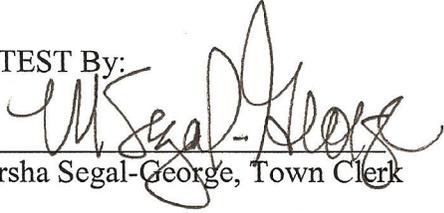
SECTION EIGHT. EFFECTIVE DATE. This Resolution shall become effective immediately upon its adoption.

The foregoing, resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

Don Massucco	<u>Aye</u>
Garr Reynolds	<u>Aye</u>
Howard Rynearson	<u>Aye</u>
Ken Katcko	<u>Aye</u>
W. H. "Bill" Van Duzer	<u>Aye</u>

DULY PASSED AND ADOPTED this 12th day of September 2005.

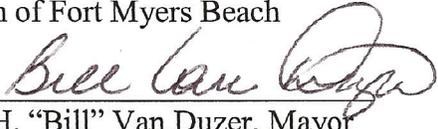
ATTEST By:

  
\_\_\_\_\_  
Marsha Segal-George, Town Clerk

Approved as to form by:

  
\_\_\_\_\_  
Anne Dalton, Town Attorney

Town of Fort Myers Beach

  
\_\_\_\_\_  
W. H. "Bill" Van Duzer, Mayor